

CITY COUNCIL REPORT



Meeting Date: April 8, 2014
 General Plan Element: *Public Services and Facilities*
 General Plan Goal: *Encourage provision of power and communication systems that match the character of Scottsdale and provide reliable, efficient service for Scottsdale citizens, visitors and businesses.*

ACTION

Sprint Mummy PH25XC142
32-UP-2003#2

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met, and adopt Resolution No. 9687 approving a Conditional Use Permit for an existing Type 4 Wireless Communication Facility located at 7609 E. Indian Bend Road with Multiple-family Residential (R-5) zoning.

Key Items for Consideration

- No expansion of additions to the existing wireless communication facility is being proposed.
- The Paradise View Villas Association has a lease with Sprint and has authorized this application for Conditional Use Permit renewal.
- Sprint should have renewed the Conditional Use Permit in 2009.
- Opposition from some condominium unit owners.
- Planning Commission heard this case on February 26, 2014 and recommended approval with a vote of 6-1.

OWNER

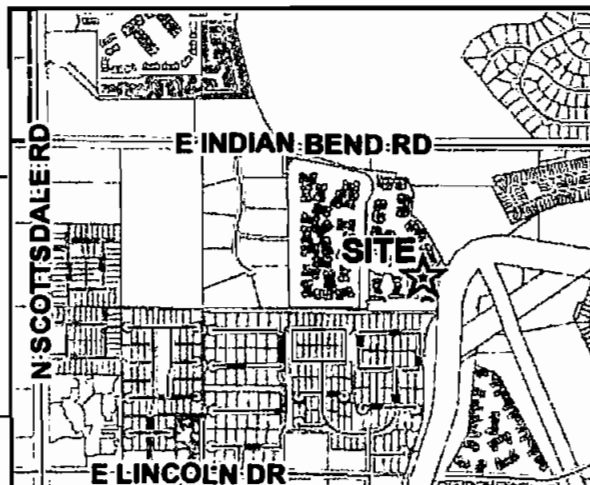
Paradise View Villas Condo Owners Association
 480-345-0046

APPLICANT CONTACT

Timothy D. Burmer
 Sprint Pcs C/O Fm Group Inc
 480-397-0043

LOCATION

7609 E Indian Bend Rd



BACKGROUND

Zoning

The site is zoned Multiple-family Residential district, R-5, which allows for multiple family dwelling units, municipal uses, places of worship, hotels and wireless communication facilities. Wireless communication facilities concealed within flagpoles require a Conditional Use Permit.

Context

The subject property/WCF is concealed within two existing flagpoles located approximately 910-feet south of Indian Bend Road, off of a private Road. Approximately 135-feet east is the Indian Bend Wash and Silverado Golf Course. To the north of the WCF is the Corriente Condominium development. To the south is the Paradise View Villas Condominiums, and to the west is the Sienna Condominium development.

Other Related Policies, References:

12-ZN-1986#2: On November 16, 1999, the city council approved the rezoning of the subject property from R-4R to R-5, and amended the site plan from case 12-ZN-1986.

24-DR-2000: On March 23, 2000, the Development Review Board approved the 64 unit Paradise View Villas Condominium development.

32-UP-2003: On February 17, 2004, the City Council unanimously approved a Conditional Use Permit for the subject Sprint wireless communication facility (WCF).

In November of 2004, permits were issued to construct the WCF.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is to renew the Conditional Use Permit for an existing Type 4 wireless communication facility, which is concealed within two flagpoles on the northern portion of the Paradise View Villas condominium property. The Conditional Use Permit was approved by the City Council on February 17, 2004 with case 32-UP-2003. Conditional Use Permits for WCF's (Type 4 WCF's) are valid for a period of five (5) years from the date of City Council approval. The subject Conditional Use Permit expired on February 17, 2009. Sprint is responsible for initiating an application to renew the Conditional Use Permit.

Development Information

- Existing Use: Wireless Communication Facility concealed within two flagpoles
- Proposed Use: No changes proposed
- Lease Area: 336 square feet
- Existing WCF Height: 45-feet and 47-feet

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - Besides some minor noise from the air conditioning that cools the radio equipment cabinets, and lighting to illuminate the flags, this WCF does not create damage or nuisance from noise, smoke, odor, dust or vibration or illumination.
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - Other than the occasional visit from maintenance technicians, the WCF does not create an unusual volume of traffic.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - The characteristics and design of the proposed use are reasonably compatible with the area. Flagpoles exist near the entrance to the Sienna Condominiums to the west and at the Silverado Golf course to the east.
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Wireless Communication Facility (WCF) Type 4 as identified in Zoning Ordinance Section 1.403.V., including:
 1. All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless communication facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the Conditional Use Permit.
 - There have been no changes in technology that would eliminate the need for this Conditional Use Permit. In fact, within the past several years there has been an increase in the amount of wireless communication facilities to handle the coverage, capacity and bandwidth needs of the wireless carriers and customers. The nearest existing Sprint wireless communication facilities is on the former Borgata property (west side of Scottsdale Road, north of McDonald Drive) and at the Days Inn hotel at 7330 N. Pima Road. Elimination of this WCF would create a significant coverage gap for Sprint along the Indian Bend and Hayden Road corridors, as well as for the southern portion of McCormick Ranch.
 2. To the degree a proposed WCF meets height requirements set forth in this Ordinance, no

Conditional Use Permits shall be granted when the heights are found to be intrusive, obtrusive or out of character with the surrounding area.

- **The heights of the existing WCF flagpoles are 45 feet and 47 feet. The height of the adjacent condominium buildings is 36 feet (with higher rooftop mechanical screening), so the flagpoles are not substantially taller than building in the surrounding area, but tall enough where the wireless signal is not blocked. The Zoning Ordinance does not have any specific maximum height requirements for flagpoles, or WCF flagpoles.**
3. **Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape and view.**
 - **Antennas and associated cables are completely concealed from view within the flagpole, and the flagpole is painted to match the adjacent gate color. The pole diameters of 14 inches and 12 inches are consistent with other flagpole WCF's in Scottsdale (Days Inn hotel -7330 N. Pima Road & the southeast corner of Shea Boulevard and 100th Street). The flagpole WCF diameters tend to be narrower than the monopole WCFs and artificial palm tree WCFs.**
 4. **The shape of the WCF shall blend with other similar objects and not be intrusive in its setting or obtrusive to views.**
 - **There are other existing flagpoles in the vicinity, as well as palm trees which are taller than the flagpoles. The flagpoles are narrow enough in diameter that they are not considered obtrusive to views.**
 5. **The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape and or obtrusive on views.**
 - **As previously mentioned, all antennas and associated cables are completely concealed from view within the flagpole. The flagpoles are painted to match the adjacent gate color, and are placed within a landscaped setting, which helps them blend into the surrounding environment, and are not excessively tall.**

Traffic

Besides periodic maintenance, the WCF will have no impact on traffic in the area.

Public Safety

With many households removing their land line telephone, the WCF will help continue to provide cellular coverage to the public for personal use as well as in need of emergency.

Community Involvement

The applicant mailed out notifications regarding the Conditional Use Permit renewal to property owners within 750 feet of the WCF on August 7, 2013, and again on September 13, 2013. The September 13, 2013 notification was requested by City staff after a resident expressed concern that

the request on the notification was not clear.

Planning Department staff mailed out postcards to property owners within 750 feet of the WCF (over 500 property owners) on January 10, 2014.

As of the drafting of this report, staff has received correspondence from two residents in opposition to the request. The concerns involve the legitimacy of the lease between Sprint and the property owner, in which the City doesn't intervene. The Paradise View Villas Homeowners Association has authorized this application. Another e-mail was received regarding flying the American flag after dark without it being illuminated.

The second concern is regarding radio frequency emissions, which are regulated by the Federal Communications Commission (FCC). The Telecommunications Act of 1996, Title VII, Sec. 704 added paragraph 7 and its subsections to chapter 47 in the United States Code, 47 U.S.C 332(c) to read: 47 U.S.C. § 332(c)(7)(B)(iv) No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

Given this, the City cannot deny a wireless site on the basis of radio frequency emissions. All wireless communication facilities must be constructed and operated in compliance with the FCC's radio frequency exposure limits set forth in FCC Bulletin 65, Edition 97-01.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on February 26, 2014 and recommended approval with a vote of 6-1. Three residents spoke in opposition to the renewal, citing R-F emission concerns, as well as traffic concerns during maintenance. The one Planning Commissioner in opposition, did not state a reason.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met and approve 32-UP-2003#2, per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met, and adopt Resolution No. 9687 approving a Conditional Use Permit to renew an existing Type 4 Wireless Communication Facility located at 7609 E. Indian Bend Road with Multiple-family Residential (R-5) zoning.

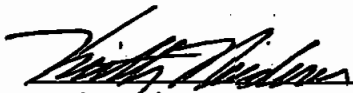
RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation
Current Planning Services


STAFF CONTACT

Keith Niederer
Senior Planner
480-312-2953
E-mail: kniederer@ScottsdaleAZ.gov

APPROVED BY


Keith Niederer, Report Author

3-3-2014
Date


Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

3/24/2014
Date


Randy Grant, Administrator
Planning, Neighborhood and Transportation
480-312-2864, rgrant@scottsdaleaz.gov

3/25/14
Date

ATTACHMENTS

1. Resolution No. 9687
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations
2. Applicant's Narrative
3. Aerial Close-Up
4. Zoning Map
5. Photograph of existing WCF
6. Plans
7. Applicant 750-foot notice
8. City Notification Map
9. Correspondence
10. February 26, 2014 Planning Commission minutes

RESOLUTION NO. 9687

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO RENEW A CONDITIONAL USE PERMIT FOR AN EXISTING TYPE 4 WIRELESS COMMUNICATION FACILITY LOCATED AT 7609 E. INDIAN BEND ROAD WITH MULTIPLE-FAMILY RESIDENTIAL (R-5) ZONING.

WHEREAS, the Planning Commission held a public hearing on February 26, 2014; and

WHEREAS, the City Council, held a public hearing on April 8, 2014.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that this Wireless Communication Facility (WCF) meets the additional following criteria for a WCF:
 - 1. The use permit is granted for a maximum of 5 years and the Applicant is required to initiate any required further review as specifically set forth in the Zoning Ordinance and is responsible for removing the WCF once the use permit has ended or expired.
 - 2. The height of the WCF is found not to be intrusive, obtrusive or out of character with the surrounding area.
 - 3. The antennas and pole diameters of the WCF are found to be harmonious with the existing context and not intrusive or obtrusive on the landscape or views.
 - 4. The shape of the WCF is found to blend into its setting and, to the extent that it is visible, is not intrusive in its setting or obtrusive to views.

5. The WCF is found to blend into its setting and, to the extent that it is visible, is not intrusive on the landscape or obtrusive on views.

Section 2. That a description of the conditional use permit is set forth in Case No. 32-UP-2003#2. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibit 2. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2014.

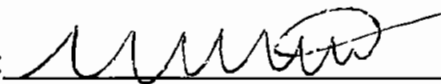
ATTEST:

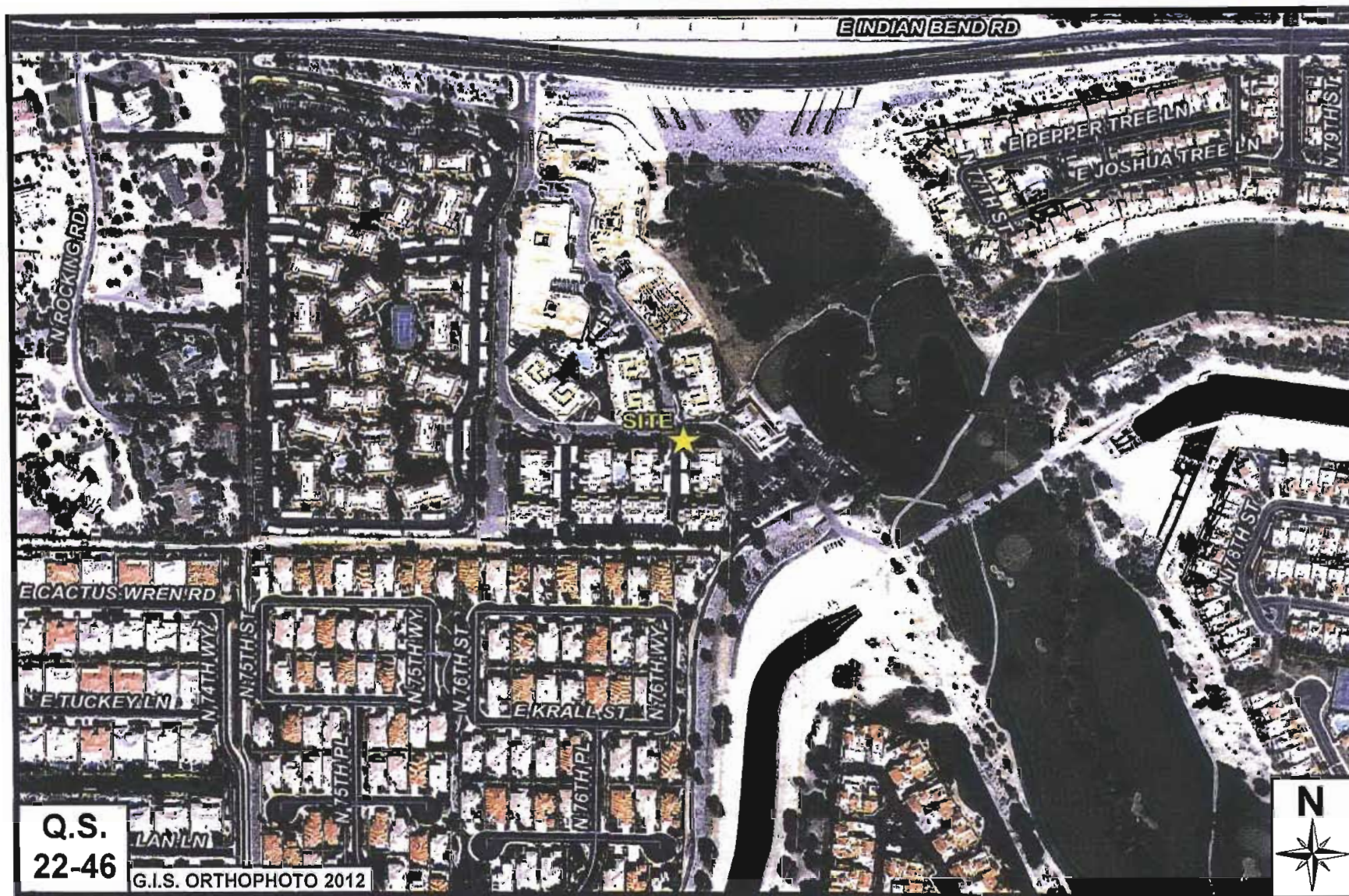
CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Sherry R. Scott, Deputy City Attorney



Q.S.
22-46

G.I.S. ORTHOPHOTO 2012

Sprint Mummy PH25XC142

Exhibit 1
Resolution No. 9687

32-UP-2003#2

**Stipulations for the Conditional Use Permit
For a Type 4 Wireless Communication Facility
Sprint Mummy PH25XC142
Case Number: 32-UP-2003#2**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case 32-UP-2003 continue to apply.
2. No modification or expansion of this WCF is approved with this permit.
3. **EXPIRATION OF USE PERMIT AFTER FIVE (5) YEARS.** If the applicant wishes to continue this use, within one hundred twenty (120) days before the expiration of this Conditional Use Permit renewal, the applicant shall file an application to review and extend this Conditional Use Permit. This review shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for this Conditional Use Permit. If a new Conditional Use Permit is not granted, the applicant shall be responsible for the removal of the wireless communication facility.

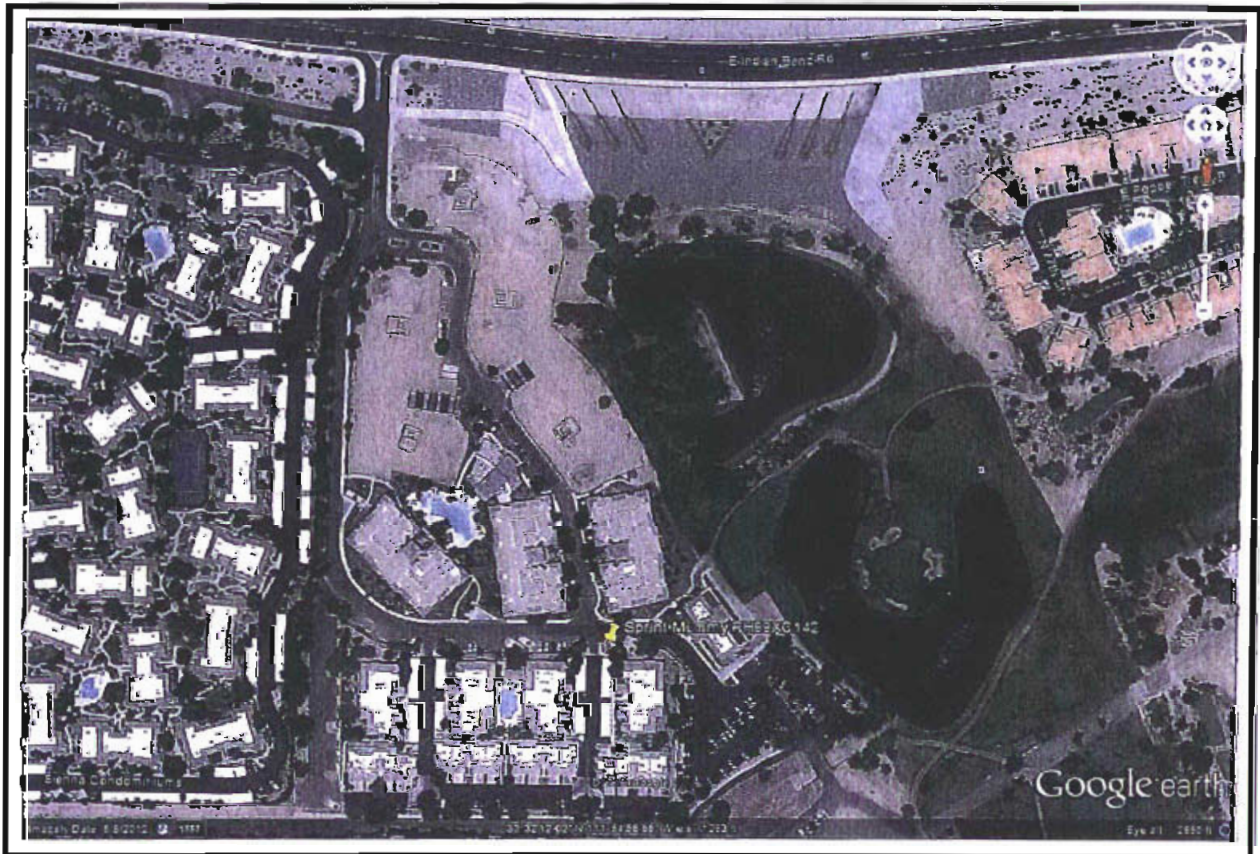
City of Scottsdale –Use Permit Renewal Project Narrative

Subject Property: 7609 E. Indian Bend Road, Scottsdale, AZ 85250

Project Name: Sprint Mummy PH25XC142

Date: December 3, 2013

AERIAL MAP OF SUBJECT



Contact Information:

FM GROUP INC

15974 N. 77th Street, Suite 100, Scottsdale, AZ 85260

Timothy D. Burmer (tdburmer@fmgroup.net)

PURPOSE OF THE REQUEST

Sprint PCS, a wireless communications provider desires to renew its Use Permit for the subject location at 7609 E. Indian Bend Road as originally approved back in 2004 (Ref. 47-SA-2004, 32-UP-2003, 9-DR-2004). Sprint PCS has had tremendous growth resulting in increased consumer demands and the need for E-911 emergency service enhancements. The subject location at 7609 E. Indian Bend Road is the best possible location for both the radio frequency objective and meeting the intent of the City of Scottsdale Code, and the 1996 Federal Telecommunications Act. The following is an outline of how Sprint PCS will comply with all Federal, State, County and Local regulations with respect to wireless communications facilities and the City of Scottsdale guidelines:

DESCRIPTION FOR THE PROPOSAL

The existing Wireless Communications Facility (WCF) consists of two flagpoles (one 47' and one 45') with ground mounted equipment. The flagpoles conceal the antennas. The flagpoles were chosen to mitigate the visual impact of the WCF helping to blend into the existing architecture in the area. The ground mounted equipment is screened from view by a wall designed to be consistent with the architecture of the existing surrounding buildings.

If the Use Permit for the subject location were not renewed, a significant gap in coverage within the existing Sprint PCS network would exist without the site.

RELATIONSHIP TO SURROUNDING PROPERTIES

The unmanned wireless communications facility will generate no refuse, and will use no water or sewer services. There should be no demand for police surveillance. The facility is isolated from other buildings minimizing any fire dangers. Emergency vehicle access is available directly to the site over paved roadways.

LOCATION & ACCESSIBILITY

- Access to the wireless facility occurs from E. Indian Bend Road.
- Parking for technician access is available on the west side of the wireless facility in the existing parking lot. A technician will typically visit the site once a month for routine maintenance or emergency repairs.

RADIO FREQUENCY EMISSIONS

The WCF will fall within the portion of the electromagnetic spectrum, which transmits non-ionizing radio waves. "Non-ionizing" electromagnetic emissions, at the low levels associated with this type of wireless technology, are not harmful to living cells. Among the items which result in non-ionizing electromagnetic emissions are police/fire/EMS radios, television broadcasts, CB radios, microwave ovens, baby monitors, home wireless phones, garage door openers, and many other items in day to day life. Not to be confused with "ionizing" electromagnetic emissions which include ultra-violet light, medical x-rays and gamma-rays.

RADIO FREQUENCY FCC COMPLIANCE

The FCC allows Sprint PCS to operate in its designated frequency ranges. The power required to operate the facility typically does not exceed 200 watts per channel, and thus, the Sprint PCS network is by design a low-power system. Depending upon future characteristics of the site, the actual power requirements may be reduced. The transmitted signals from the site will consist of non-ionizing waves typically generating significantly lower than the FCC standard for continuous public exposure of 900 microwatts per square centimeter.

COMMUNITY OUTREACH EFFORTS

FM GROUP INC has sent out a notification describing the proposed CUP renewal to property owners within 750' of the site parcel. Attached is the notification and a list of the property owners.

OTHER INFORMATION AND COMMUNICATION FACILITIES AND SERVICES

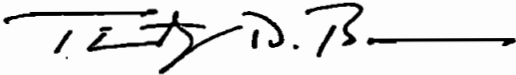
- The Radio Frequency will operate in the FCC approved license frequency range.
- The use does not cause an adverse impact on adjacent properties.
- The site is an unmanned facility.
- There will be no emissions of odor, dust, gas, noise, vibration, heat or glare at the level exceeding ambient.
- The subject site does not contribute in measureable ways to deterioration of the area contributing to the lowering of property values. In fact, the enhanced coverage and options available help as an additional selling feature for any property owner within the general area.
- The communications facility does not result in conditions or circumstances contrary to the public health, safety and welfare.

The subject proposal will comply with all conditions pursuant to the City of Scottsdale Zoning Ordinance.

Sprint PCS is excited about its efforts to continue to bring enhanced services to the Scottsdale area. As a result, residents and tourists will continue to benefit from the improved coverage and options available. The improvements will help to enhance E-911, County and Public communication services.

Please refer to the attached drawings for further additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Burmer", followed by a horizontal line.

Timothy Burmer
602-277-7877
tdburmer@fmgroup.net

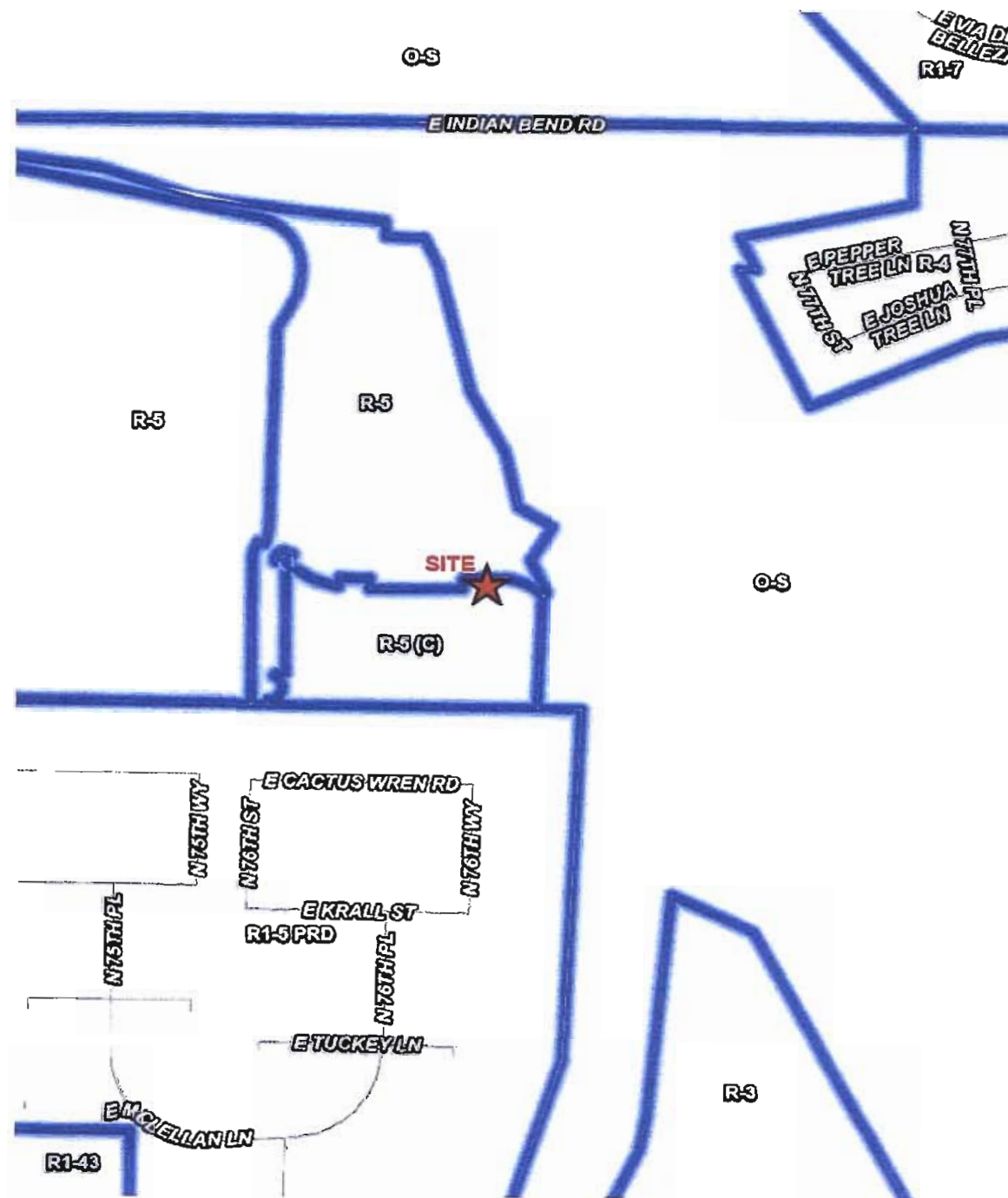


Sprint Mummy PH25XC142

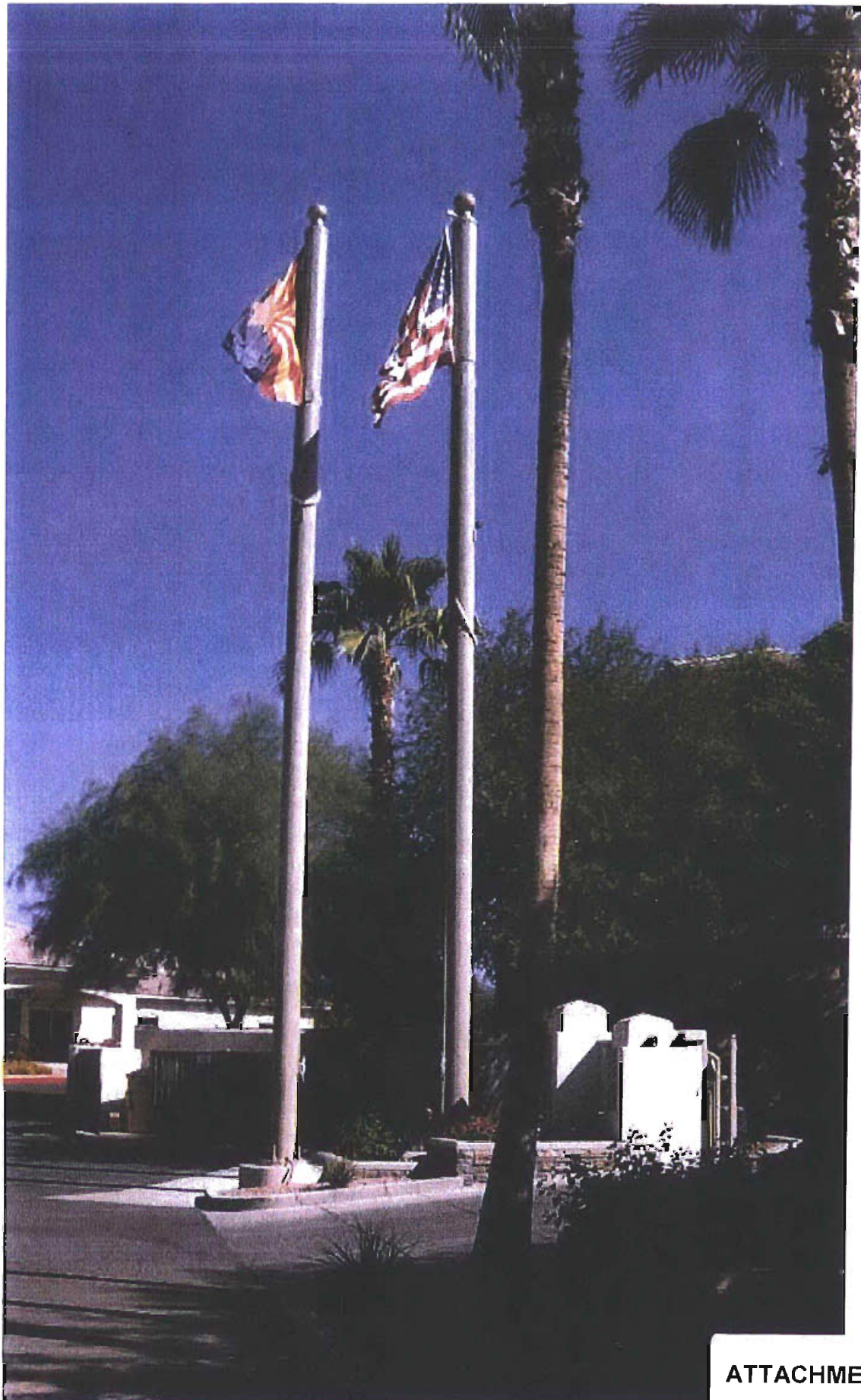
32-UP-2003#2

ATTACHMENT #3

Zoning Map



32-UP-2003#2
ATTACHMENT #4



Sprint®



**MUMMY
PH99XC142
7609 EAST INDIAN BEND RD
SCOTTSDALE, AZ 85251
MARICOPA COUNTY**

CONDITIONAL USE PERMIT RENEWAL APPLICATION

ATTACHMENT #6

VICINITY MAP			PROJECT SUMMARY	
			<p>SCOPE OF WORK: NO WORK BEING PERFORMED, CONDITIONAL USE PERMIT RENEWAL APPLICATION</p> <p>OWNER: PARADISE VIEW VILLAS CONDO OWNERS ASSOCIATION</p> <p>SITE ADDRESS: C/O CHRISTAL CRAIN 7655 S. PRIEST DR, SUITE 105 TEMPE, AZ 85284</p> <p>APN: 174-20-077</p> <p>JURISDICTION: CITY OF SCOTTSDALE</p> <p>ZONING: R-5</p> <p>LEASEE: SPRINT PCS</p> <p>EXISTING USE: CONDOMINIUM</p> <p>OCCUPANCY: UNMANNED TELECOMMUNICATIONS FACILITY</p> <p>CONSTRUCTION TYPE: VB</p> <p>ALLOWABLE AREA: 5500 SF</p> <p>ACTUAL AREA: 330 SF</p> <p>APPLICANT: SPRINT 8040 S. 48TH ST. #200 PHOENIX, AZ 85044</p> <p>AGENT: FM GROUP, INC. ATTN: TIM BURMER 15974 N. 77TH ST. #100 SCOTTSDALE, AZ 85260</p> <p>THERE IS NO CHANGE TO THE EXISTING UNMANNED TELECOMMUNICATIONS FACILITY. SITE PACKET FOR CONDITIONAL USE PERMIT RENEWAL APPLICATION ONLY.</p>	
DRIVING DIRECTIONS			SITE SUMMARY TABLE	
<p>FROM SPRINT OFFICE (8040 S. 48TH STREET): SCOTTSDALE RD NORTH TO INDIAN BEND EAST TO CONDO COMPLEX ON RIGHT. SITE IS IN BACK NEXT TO GOLF COURSE. 7609 E INDIAN BEND RD.</p>			<p>EXISTING STEALTH FLAGPOLE HEIGHT: 43'-0" & 47'-0"</p> <p>EXISTING ANTENNA R.C. HEIGHT: 45'-2"</p> <p>LATITUDE: 33° 32' 08.40" NAD83</p> <p>LONGITUDE: 111° 54' 58.53" NAD83</p> <p>ELEVATION: 1283.4' NAVD83</p>	
PROJECT TEAM			DRAWING INDEX	
	NAME	COMPANY	NUMBER	REV
A/E	MICHAEL T. FRIES	FM GROUP INC	602-277-7877	A
SAC	TIM BURMER	FM GROUP INC	602-277-7877	A
PM	TOM McCLARNE	COYOTE WIRELESS	602-670-1800	A
OWNER	CHRISTAL CRAIN	SENTRY MANAGEMENT	480-345-0048	
			T-1	TITLE SHEET
			Z-1	OVERALL SITE PLAN
			Z-2	ENLARGED SITE PLAN
			Z-3	ELEVATION

FM GROUP INC
15974 N. 77TH ST. #100
SCOTTSDALE, AZ 85260
949.777.7877

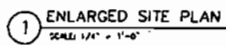
NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR PERMIT	11/9/2014		
2	ISSUED FOR PERMIT	11/9/2014		

MUMMY
PH99XC142
7609 EAST INDIAN BEND RD
SCOTTSDALE, AZ 85251

32-UP-2003#2
1/9/2014

T-1

1. DIMENSIONS ARE OVERALL OR TO STRUCTURE
UNLESS NOTED OTHERWISE.



Z-2

NOTICE OF CONDITIONAL USE PERMIT APPLICATION

Sprint PCS (c/o FM GROUP INC) a wireless communications provider, is requesting approval to renew its Conditional Use Permit for the subject location at 7609 E. Indian Bend Road, Scottsdale, AZ 85250.

The existing Wireless Communication Facility (WCF), built in January, 2005, consists of two flagpoles (one 47' tall & one 45' tall) with associated ground mounted equipment. The existing antennas are located within the inside of the flagpole, and the existing associated ground mounted equipment is screened from view by a wall. The request is to renew the Conditional Use Permit for the existing flagpole WCF, no additional flagpoles WCF's or additional equipment are being proposed with this application.

Lease Area Size: 336 sq. ft. Zoning: R-5
Project No: 636-PA-2012

For additional information or questions please contact:
Tim Burmer, FM GROUP INC, (480) 397-0043
tdburmer@fmgroup.net
Keith Niederer, City of Scottsdale, (480) 312-7000

NOTICE OF CONDITIONAL USE PERMIT APPLICATION

Sprint PCS (c/o FM GROUP INC) a wireless communications provider, is requesting approval to renew its Conditional Use Permit for the subject location at 7609 E. Indian Bend Road, Scottsdale, AZ 85250.

The existing Wireless Communication Facility (WCF), built in January, 2005, consists of two flagpoles (one 47' tall & one 45' tall) with associated ground mounted equipment. The existing antennas are located within the inside of the flagpole, and the existing associated ground mounted equipment is screened from view by a wall. The request is to renew the Conditional Use Permit for the existing flagpole WCF, no additional flagpoles WCF's or additional equipment are being proposed with this application.

Lease Area Size: 336 sq. ft. Zoning: R-5
Project No: 636-PA-2012

For additional information or questions please contact:
Tim Burmer, FM GROUP INC, (480) 397-0043
tdburmer@fmgroup.net
Keith Niederer, City of Scottsdale, (480) 312-7000

NOTICE OF CONDITIONAL USE PERMIT APPLICATION

Sprint PCS (c/o FM GROUP INC) a wireless communications provider, is requesting approval to renew its Conditional Use Permit for the subject location at 7609 E. Indian Bend Road, Scottsdale, AZ 85250.

The existing Wireless Communication Facility (WCF), built in January, 2005, consists of two flagpoles (one 47' tall & one 45' tall) with associated ground mounted equipment. The existing antennas are located within the inside of the flagpole, and the existing associated ground mounted equipment is screened from view by a wall. The request is to renew the Conditional Use Permit for the existing flagpole WCF, no additional flagpoles WCF's or additional equipment are being proposed with this application.

Lease Area Size: 336 sq. ft. Zoning: R-5
Project No: 636-PA-2012

For additional information or questions please contact:
Tim Burmer, FM GROUP INC, (480) 397-0043
tdburmer@fmgroup.net
Keith Niederer, City of Scottsdale, (480) 312-7000

NOTICE OF CONDITIONAL USE PERMIT APPLICATION

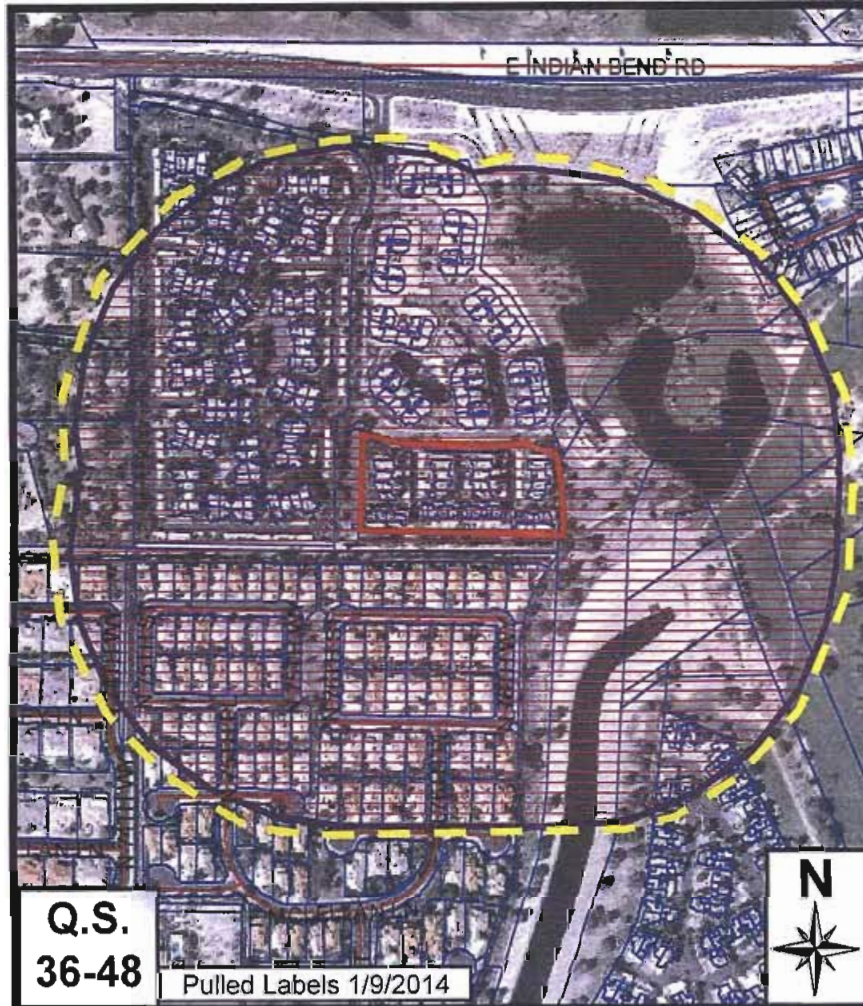
Sprint PCS (c/o FM GROUP INC) a wireless communications provider, is requesting approval to renew its Conditional Use Permit for the subject location at 7609 E. Indian Bend Road, Scottsdale, AZ 85250.

The existing Wireless Communication Facility (WCF), built in January, 2005, consists of two flagpoles (one 47' tall & one 45' tall) with associated ground mounted equipment. The existing antennas are located within the inside of the flagpole, and the existing associated ground mounted equipment is screened from view by a wall. The request is to renew the Conditional Use Permit for the existing flagpole WCF, no additional flagpoles WCF's or additional equipment are being proposed with this application.

Lease Area Size: 336 sq. ft. Zoning: R-5
Project No: 636-PA-2012

For additional information or questions please contact:
Tim Burmer, FM GROUP INC, (480) 397-0043
tdburmer@fmgroup.net
Keith Niederer, City of Scottsdale, (480) 312-7000

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

32-UP-2003#2

Sprint Mummy PH25XC142

ATTACHMENT #8

Niederer, Keith

From: amalia3@cox.net
Sent: Tuesday, February 04, 2014 12:57 AM
To: Niederer, Keith
Cc: Lane, Jim; Korte, Virginia; Klapp, Suzanne; Milhaven, Linda; Phillips, Guy; Robbins, Dennis E; Weiss, Kit
Subject: RE: Sprint WCF Flagpoles

Hi Keith,

Great. A lady from Corriente indicated she thought the site should be moved along our South property line to be farther from Corriente. We have three feet in back of our wall to place lots and lots of towers adjacent to single family homes. Seems there would be no problem getting that approved. The file indicated over and over the Mummy site being 300 feet from any single family residence and that there were no residences within about 300 feet and even showed a depiction of Paradise View Villas protecting a single family home in the rear. The Scottsdale regulation states explicitly that cell towers need to be 150 feet from a single family residence and doesn't mention condos. Has City Council ever approved a single cell tower antenna within fifty feet of a single family residence structure? Lots are getting smaller and smaller. Imagine closing on a couple million dollar home and finding out your neighbor was putting up or already had a couple of cell towers next to your driveway. Has that really ever happened? If so, where?

FYI. The FCC proposed changes in Radio Frequency exposure regulations in March 2013 and ratified them in November 2013. It is a 202 page document. I skimmed it and it newly acknowledges worldwide cancer possibility findings and the findings of the World Health Organization that radio frequency has possible carcinogenic effect and that it may cause thermal tissue heating and changes in DNA and that the amount of exposure time is relative to the risk. It also seems to ease up on the prohibition of towns taking this into account in decision making and indicates that that is simply not their jurisdiction and needs to be handled by the Environmental Protection Agency. It requires a wider range of sites that need to be Federally registered and speaks to stricter warning signage and inspection rules. It speaks directly to knowledge and willingness of exposure of persons in proximity to cell tower sites. It indicates that piggybacked sites, upgraded 3g and 4g sites, and multiple antenna and transmitter sites have greater exposure risk.

FYI The latest cell tower antenna fire was a week or so ago in Bensalem PA. Quite dramatic. No one died but the tower within minutes tetered at total collapse and residences within three hundred feet needed to be evacuated. Shrapnel like projectiles shot quite a distance from the antennas and firemen did not know what to expect. The fire burned a long time because it was an electrical fire and needed specialized equipment to put it out. When the towers fall they fall quickly. They are not tethered as are electric poles and are only as strong as the weakest join and the concrete footing and require strict, specialized construction inspection standards. Fire and structural failure risk increases with the number of antennas inside the poles. Quite a few welders have fallen to their deaths from the towers usually as a result of welding fires or structural defects. The mummy flagpole looks patched up and welded at the top. The City of Scottsdale is assuming alot of liability in only considering the appearance of the site for approval and allowing the sites to operate without a permit or any regular structural inspection or indication of the exact equipment and number of antennas and transmitters at a site. Does the Scottsdale fire department have an emergency plan in place to deal with a fallen tower, or small spark ignited antenna with serial ignitions and possible radiation exposure?

Thank you,
Amalia wissinger

---- "Niederer wrote:
> Amalia,
>

> WCF's are permitted within 150' of both condominiums and single family lots. The only requirement is if the WCF is located within 150' of a single family lot, it cannot be administratively approved and is required to go through the DRB public hearing process.

>

> A flagpole WCF requires a Conditional Use Permit, which requires a hearing before the Planning Commission and approval by the City Council. These are public hearings.

>

> Staff doesn't put correspondence on the website, just the applicants narrative and plans. Correspondence will be included in the Planning Commission Report, and placed in the case file.

>

> You're welcome to contact Kirk Wheeler at Records to request how to obtain copies of the entire file. Kirk can be reached at 480-312-7000.

>

> Keith

>

> -----Original Message-----

> From: amalia3@cox.net [mailto:amalia3@cox.net]

> Sent: Friday, January 31, 2014 7:39 PM

> To: Niederer, Keith

> Subject: RE: Sprint WCF Flagpoles

>

> Hi Keith,

> Although financial and health questions cannot be entertained as I stated in previous correspondances, the issues of the approval of a commercial enterprise on an R5 zoned property, changes in the area violating Scottsdale WCF site requirements occurring in the the four years that Sprint failed to renew the permit, discriminatory treatment of distance requirements from condominium residences as opposed to single family dwellings, and violation of individual condominium owners property rights should be seriously considered in this and any other cell tower approval by City Council. There is a 150 foot distance requirement in Scottsdale's WCF requirement and absolutely no distance requirement from condominium dwellings. This is clearly inequitable and cannot be rationalized. Sprint operated at the site for several years without a permit. The City of Scottsdale should take all the time legally available, 120 days, to investigate and deliberate before holding a meeting and accepting or rejecting the permit for this site. Other surrounding cities have placed moratoriums on cell sites and piggybacking of existing sites. The City's website shows three hundred permit applications in the past few years from Verizon and Sprint alone. That is enough to ensure quality and availability of service in the area.

>

> I imagine the 32-UP-2003 file and archives are attached to the latest applications. They are fairly large and are on the City's website already. Could you please possibly email me the information new to the file from January 2012 to the present? Since there will be no site changes, the file since 2012 and applications and required documents by your checklist should not be that large.

>

> Will all of my 2013 emails be included in the file that will be transferred to the website? I hope they will be. The issues are larger than just this site. A resolution by City Council to require cell tower antenna sites and the RFU units to be a distance of 150 feet from condominium residences as well as single family residences, and the uniform application of R5 rules forbidding commercial enterprise on residential parcels will resolve the inequity and discrimination issues. It is very little to ask.

>

> Thank you,

> Amalia Wissinger

>

>

> ---- "Niederer wrote:

> > Hi Amalia,

>>

>> Your correspondence will be part of the file and attached to the Planning Commission and City Council Reports.

>>

>> You may come down to the Records Department (7447 E. Indian School Road) and ask to see the file for 32-UP-2003#2. Records may also be able to copies the file for you (for a fee). I'm copying Kirk Wheeler from Records on this e-mail. He can provide you more information on what is required to obtain a copy of the file. Due to file size, it is too large to e-mail and too large to post everything to the City's website.

>>

>> The title report submitted shows (as does the Maricopa County Recorder's website) that the property owned by the Paradise View Villas Condominium Owners Association. Barbara Renaker signed the Conditional Use Permit application, and she is listed as an officer of the Paradise View Villas Condominium Association on the Arizona Corporation Commission website.

>>

>> The glossy postcard that came in the mail was from the City's Planning Department, letting property owners within 750' of the site know that an application has been filed. Frances Cookson is a Planning Assistant with the Planning Department. The City mailed out postcards to 532 property owners. Attached is the postcard that the City mailed out last week. Your name appeared on the mailing list the City used for sending the notices.

>>

>> Clear Blue will not be submitting an application. There are no new wireless communications facilities planned on this property, and no plans that I'm aware of to expand the existing site.

>>

>> While the City has the ability to regulate the aesthetic, building and structural issues related to a cell site, the City is limited by Federal law on how it may address your concerns about the health impact of radio frequency emissions from the cell site. Specifically, the Telecommunications Act of 1996, Title VII, Sec. 704 added paragraph 7 and its subsections to chapter 47 in the United States Code, 47 U.S.C 332(c) to read:

>>

>> 47 U.S.C. § 332(c)(7)(B)(iv) No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

>>

>> Given this, the City cannot deny a wireless site on the basis of radio frequency emissions. All wireless communication facilities must constructed and operated in compliance with the FCC's radio frequency exposure limits set forth in FCC Bulletin 65, Edition 97-01.

>>

>> Keith

>>

>> -----Original Message-----

>> From: amalia3@cox.net [mailto:amalia3@cox.net]

>> Sent: Thursday, January 30, 2014 7:58 PM

>> To: Niederer, Keith

>> Subject: RE: Sprint WCF Flagpoles

>>

>>

>> ---- "Hi Keith,

>> Could you please email me the file complete file for the new permit? I am having trouble opening Scottsdale website and finding the original file took a series of scavenger hunt type trials and trying every associated name and when I finally opened it many archived documents only showed the first page. Every time I looked at the file I noticed a new significant error. The original 32-up-2003 file had documents which indicated incorrect parcel #, listed the location as being on the hotel corridor, contained a title report indicating that Townking was the most recent owner, etc. Also, Tim Burmer presenting in the original application and postcard that the leased area was 358 times the actual size and owned by Homer Sarem is a serious red flag and those documents can reappear and could lead to misinterpretation down the

road. Sentry Management's address is incorrect on the current application you sent me. They moved some time ago. I checked Maricopa county tax records online a few months ago and the PVV parcel was not only reduced about 1 acre and matched Burmer's original postcard, but listed it as commercial, belonging to Paradise View Villas Condo Owners Association (not condominium-could be different corporation) owned by Homer Sarem. Really weird-But entirely possible in a "ya snooze ya lose" real estate state. The Maricopa County Assessor indicated to me that their records do not necessarily show accurate ownership. The only real proof of land ownership is a deed filed with Maricopa Records Office. CC&R's are contracts and not deeds. Only a recorded deed, or a title report showing the latest recorded deed proves ownership. Patrick Chen's attorney for the United assets Corporation, Mathew Berman, maintained to me that the only real deed for the parcel is on the individual owner's deed with the words "together with undivided interest in the common area" Only the 64 condominium owners hold title and all have equal shares and deed to the property. Even if some of the deeds do not contain those words, the ownership is understood by Arizona State law. Condominium Boards only act as managers in the situation and do not have the right to transfer or lease property without a significant percentage vote of all 64 of the owners.

>>

>> Also-an owner at Corriente told me she had received a glossy postcard from a Ms. Cookson concerning permit application. Is she with your office? What's that about?

>>

>> Have you gotten any application from Clearblue? Barbara Renaker seems to have signed documents for them as well. They are another lease acquisition firm. Their documents are pretty sloppy looking and it seems as if Barbara's signature is on a separate page just indicating that anything on the first page is okay with her. Scary. Tim Burmer said he never heard of them. Their intention is to duplicate the site for a year. Sounds like piggybacking to me.

>>

>> Could you please tell me when the Council Meeting will be when you find out?

>>

>> All cell tower permit applications should be placed on moratorium until the City of Scottsdale has a chance to sort through the reality of how many sites are actually within the city and their distribution, take a look at their own WCF rules and correct the inequities, and investigate exactly the equipment that is at a site, and how dangerous it is for an apartment or condo infant to be carried to term and live within 50 feet of a cell tower site, play at the train park with several radio frequency cell tower antennas, wait at cell tower cross walks to cross the street, play sports and take PE and run and play and pledge allegiance to the cell tower flag at a Scottsdale School and worship on the weekends while rained upon by radio frequency waves proven by studies around the world to cause seven times the incidence of childhood leukemia and a rainbow of other illnesses to person's living within one thousand feet of a cell tower site.

>>

>> Will my statements and correspondances be part of the file? I am hoping they will.

>>

>>

>> Niederer wrote:

>>> Enhanced review means the applicant can contact me during the review process.

>>>

>>> The City Council hearing date is not yet determined.

>>>

>>> -----Original Message-----

>>> From: amalia3@cox.net [mailto:amalia3@cox.net]

>>> Sent: Thursday, January 23, 2014 11:40 AM

>>> To: Niederer, Keith

>>> Subject: RE: Sprint WCF Flagpoles

>>>

>>> What is enhanced review? When will City Council meeting for approval be held?

>>> Thank you,

>>> Amalia Wissinger

>>>

>>> ---- "Niederer wrote:

>>>> Please see attached signed application form.

>>>>

>>>> -----Original Message-----

>>>> From: amalia3@cox.net [mailto:amalia3@cox.net]

>>>> Sent: Thursday, January 23, 2014 1:29 AM

>>>> To: Niederer, Keith

>>>> Subject: RE: Sprint WCF Flagpoles

>>>>

>>>> Hi Keith,

>>>> May I please have a copy of the application signed by Barbara Renaker? Thank you very much for your assistance.

>>>> Amalia Wissinger

>>>>

>>>> ---- "Niederer wrote:

>>>>> Hi Amalia,

>>>>>

>>>>> The case number is 32-UP-2003#2.

>>>>>

>>>>> The application was signed by Barbara Renaker. As I mentioned, the City does not get involved with lease questions. City staff checks to see who owns the property and make sure we have authorization from the owner (a letter of authorization of signature by a representative of the owner on the application).

>>>>>

>>>>> I'm working on having the application scanned to the City website. You are welcome to come down to Records and view the file or wait for it to be on-line.

>>>>>

>>>>> The City mailed out postcards to 532 property owners on 1/10/2014. Attached is the postcard that the City mailed out. Your name did appears on the mailing label list the City used for mailing addresses.

>>>>>

>>>>> The applicant also mailed out notices to property owners within 750' at least 15 days prior to making their submittal. I've asked Mr. Burmer for this exact date. Also attached is what he mailed out.

>>>>>

>>>>> The Planning Commission hearing is scheduled for February 26

>>>>> at 5PM in City Hall (3939 N. Drinkwater Blvd.)

>>>>>

>>>>> Previous postcards will not be included in the file, as the applicant corrected any errors with the initial mailing from earlier last year.

>>>>>

>>>>> Clear Blue will not be submitting an application.

>>>>>

>>>>> Keith

>>>>>

>>>>> -----Original Message-----

>>>>> From: amalia3@cox.net [mailto:amalia3@cox.net]

>>>>> Sent: Tuesday, January 21, 2014 3:37 PM

>>>>> To: Niederer, Keith

>>>>> Subject: RE: Sprint WCF Flagpoles

>>>>>

>>>>> Hi Keith,

>>>>>

>>>>> Thank you. May I please have a copy of both the postcard and the application and related documents submitted by Mr. Burmer. What is the file case number? When will the meeting be held? Will previous postcards and materials be included in the file? Has Clearblue submitted an application yet?

>>>>>

>>>> Thank you,
>>>> Amalia Wissinger
>>>>
>>>> ---- "Niederer wrote:
>>>>> Hi Amalia,
>>>>>
>>>>> Tim Burmer submitted the Conditional Use Permit application today for the Sprint WCF.
>>>>>
>>>>> City staff will be mailing out postcards to let property owners know an application has been submitted.
>>>>>
>>>>> I'll will keep you posted on Planning Commission and City Council hearing dates once scheduled.
>>>>>
>>>>> Keith
>>>>>
>>>>> -----Original Message-----
>>>>> From: amalia3@cox.net [mailto:amalia3@cox.net]
>>>>> Sent: Sunday, January 05, 2014 2:28 PM
>>>>> To: Niederer, Keith
>>>>> Subject: RE: Sprint WCF Flagpoles
>>>>>
>>>>> Dear Mr. Niederer,
>>>>> Has Tim Burmer or any other party applied for permits for the cell site at 7609 E Indian Bend Road or 7601 E Indian Bend Road? Has any notice of a meeting been sent out?
>>>>> Thank you,
>>>>> Amalia Wissinger
>>>>>
>>>>> ---- "Niederer wrote:
>>>>>> Amalia,
>>>>>>
>>>>>> I have not seen any request for new WCF's in this area of Scottsdale, but will keep you informed should a request come in.
>>>>>>
>>>>>> Keith
>>>>>>
>>>>>> -----Original Message-----
>>>>>> From: amalia3@cox.net [mailto:amalia3@cox.net]
>>>>>> Sent: Monday, November 18, 2013 10:50 AM
>>>>>> To: Niederer, Keith
>>>>>> Subject: Re: Sprint WCF Flagpoles
>>>>>>
>>>>>> Hi Kieth,
>>>>>>> Thank you for the response. Could you also alert me if pre applications or applications are placed for 7605 E Indian Bend Road, 7601 E Indian Bend Road or "hotel corridor" or those same parcels by parcel # or names Corriente or Silverado or Condo Capital Solutions or Town King or United Assets or Homer Sarem or Paradise View Villas or Sunspree or Mummy or Cascade etc. The original 2003 application and other documents used these variations as well as the 7609 address and parcel #. The fact that Corriente property borders our wall very closely on two sides is of major concern. Cell Tower lease optimization and acquisition companies seem to be having a feeding frenzy in Scottsdale. Condo boards are alot easier and cheaper for them to deal with than an individual landowner who would show concern for at least his own physical and financial well being and perhaps even that of his neighbors. Around three hundred applications in the past few years from the big two alone is alot.
>>>>>>> Thank you,
>>>>>>> Amalia Wissinger

>>>>>>
 >>>>>> ---- "Niederer wrote:
 >>>>>>> Hi Amalia,
 >>>>>>>
 >>>>>>> Sorry for the delay in responding.
 >>>>>>>
 >>>>>>> I have not yet received an application from Tim Burmer. I understand it will be coming in soon and will let
 you know once it does.
 >>>>>>>
 >>>>>>> Keith Niederer
 >>>>>>> Senior Planner
 >>>>>>> City of Scottsdale, AZ
 >>>>>>> 480-312-2953
 >>>>>>> Get informed!
 >>>>>>> Subscribe to Scottsdale P &
 >>>>>>> Z<<https://eservices.scottsdaleaz.gov/listserve/default.a>
 >>>>>>> sp
 >>>>>>>
 >>>>>>> Link newsletter
 >>>>>>> [cid:image001.png@01CB43AD.5D597CA0]<<http://www.facebook>
 >>>>>>> .c
 >>>>>>> om
 >>>>>>> /S
 >>>>>>> co
 >>>>>>> tt
 >>>>>>> sd
 >>>>>>> al
 >>>>>>> ePZLink>
 >>>>>>> [cid:image005.png@01CB43AD.5DAF16B0]<<http://twitter.com/>
 >>>>>>> Sc
 >>>>>>> ot
 >>>>>>> ts
 >>>>>>> da
 >>>>>>> le
 >>>>>>> Pa
 >>>>>>> nd
 >>>>>>> Z>
 >>>>>>>
 >>>>>>>
 >>>>>>
 >>>>>
 >>>>
 >>>>
 >>>
 >>
 >

Niederer, Keith

Subject: sprint tower

From: amalia3@cox.net [mailto:amalia3@cox.net]

Sent: Friday, November 01, 2013 8:58 AM

To: Weiss, Kit

Subject: RE: sprint tower

Dear Ms. Weiss,

Thank you for the reply. Until the city respects condominium ownership as real property ownership and applies zoning regulations in the same way that it does to single family homes, no one should even consider purchasing a condominium in Scottsdale, and a moratorium should be placed on condominium development.

Amalia Wissinger

----- "Weiss wrote:

> Ms. Wissinger,

>

> Thank you for sharing your concerns with us. Your comments below will be included in the case file when we get a Conditional Use Permit application from Sprint. We will also let you know public hearing dates, as this moves forward, so you can speak on record to the City Council, if you choose to do so. Again, thank you for your email below.

>

> Kit Weiss

Keith Niederer

> Neighborhood Services Manager Senior Planner

>

>

> -----Original Message-----

> From: amalia3@cox.net [mailto:amalia3@cox.net]

> Sent: Monday, October 28, 2013 6:39 PM

> To: kneiderer@scottsdaleaz.gov; Weiss, Kit

> Cc: tdburmer@fmgroup.net; daynabedney@clearblueservices.com

> Subject: sprint tower

>

> October 25,2013

>

> Dear Mr. Neiderer and Ms. Weiss,

>

> Permits for the Mummy Sprint site at 7609 E Indian Bend Road on the grounds of Paradise View Villas should not be approved and the applications for permits at that site need to be denied at the City Planning level.

>

> Sprint failed to renew its 2004 permit in the five years required by City Council in its approval of the cell towers containing three cell antennas and ground rru equipment on 336 square feet of Paradise View Villas common area on the northeast side of the complex. The cell towers are 47 feet from the nearest Paradise View Villas Condominium and the ground rru equipment is 15 feet from the from the nearest Paradise View Villas condominium. The site is 55 feet from the nearest Corriente condominium. In giving its approval in January 2004, City Council required a full reapplication in 2009, which would have required Sprint to reveal the existence of the site to residents within 750 feet of the complex at Paradise View Villas, Corriente, and Sienna and reveal the nature of the equipment at the site. Sprint has continued to operate this commercial enterprise entirely without a license for the past four years. In the meantime Corriente residences were built within 55 feet of the flagpole cell towers. A new public recreational bike path is being built within

3 feet of the site. The Corriente residences exceed the 36/37 foot maximum height allowed adjacent to the cell towers. The bike path violates the 90 foot cell tower distance requirement from recreational areas. The two towers standing five feet from each other violate the ruling that towers need to be 1,000 feet apart. Sprint is planning modifications to make the site "redundant" (a duplication of the site) as a test for a year, adding alcatel lucent to the mix. They have not applied for any permits for the duplication of this already illegally operating site.

>

> Paradise View villas is zoned R5. The Sprint towers are a commercial enterprise, with thousands of customers a day electronically visiting and causing radio frequency fallout over the adjacent residential complexes. There is no reason why a commercial enterprise should have been approved by City Council on R5 densely populated land.

>

> In March 2003, City council ruled that cell towers need to be 3 feet for every foot from single family homes. The 47 and 50 foot Mummy towers would need to be 150 feet from a single family home. They are 47 feet from the nearest condominium at Paradise View Villas, and 55 feet from the nearest Corriente residence. There is apparently no distance requirement whatsoever for the cell tower sites from multi-family dwellings. This ruling is clearly discriminatory. Whatever legally noxious cell tower effect is taken into account by City Council exists for all humans and property near the site. The inequity of ownership perception by both the City of Scottsdale and Sprint is clearly indicated in Sprint's 2003 permit application drawing of Paradise View Villas Building 8 valiantly providing a human and structural shield to protect the single family home 315 feet south of the site, and statements in the text of that document indicating a distance of 315 feet from single family lot line with the three story condominiums providing a "visual buffer" between the single family residence and the twin flagpole towers with trees to the rear of the condominium buffer further protecting the single family home. Condominiums are real property and the rules need to be consistent with the regulations for single family housing.

>

> The City Planning initiative to piggy back present cell tower sites as opposed the building of new sites places almost all the cell tower sites in South and Central Scottsdale. Piggybacking the sites allows many different cell providers to share one existing site, and causes radio frequency overload in the more densely populated areas of Scottsdale while preserving areas in the North. This agenda is entirely inequitable.

>

> Presently planned 3G rollout at Sprint's sites is not only already obsolete, but will cause significant radio frequency and microwave activity increase in the area. Sprint clearly indicated in 2006 and 2013 that it does not need the site at Paradise View Villas and indicated, while seeking rent reduction and permission to duplicate the equipment, that the site is "unfeasible" for them. This site is obviously now unfeasible for Sprint and unnecessary to link its network. All permits should be denied for this site. The original permit was approved based on faulty information. Sprint applied for the original permit indicating a domino effect urgency and Sprint six months later came back to Paradise View Villas requesting a 35 percent rent reduction because the site was unfeasible. In 2013 they indicated they needed to duplicate the site to make it economically feasible for them.

>

> Thank you for the phone call last Thursday. I reiterated my previous concerns regarding the site. I totally acknowledge that the City of Scottsdale is confined by 1986 federal law prohibiting towns and cities from refusing approval of cell sites based on physical hazard and financial effect. So I purposely have not mentioned worldwide studies indicating significant rate growth of cancer, sterility, dementia, adhd, hair loss, birth defects, depression, anxiety, glaucoma, bone density decrease, malaise, thermal rise in human tissue, acoustic disease etc. etc. etc. in persons living within 1000 feet of cell towers. I also acknowledge that the powerful effect of 3g and 4g fallout has not been studied and the increased toxic physical effect of piggybacking sites cannot be mentioned. I also understand that the disastrous financial impact on the area should cell tower sites go the way of asbestos and cigarettes in public law and perception cannot be discussed. However, the discriminatory nature of City Council's cell tower distance regulation, errors in the 2003 application, as well as the 2013 pre-application and first notification postcard errors, questions of United Assets ownership of the parcel, failure of Sprint to reapply in five years for the permit and intervening area growth adjacent to the towers all compel City Planning and City Council to deny any and all cell tower permit applications in close proximity to this and any other condominium complex. Condominiums are considered by the Federal Government, the State of Arizona and the Maricopa tax assessor as real property. The City needs to respect the individual property interest of condominium owners and single family homeowners equally, and apply cell tower distance regulation fairly.

>
> Thank you,
> Amalia Wissinger
> amalia3@cox.net

>
>
>
>
>
>
>
>

Niederer, Keith

From: Niederer, Keith
Sent: Wednesday, January 29, 2014 4:14 PM
To: 'rhunsi@cox.net'
Subject: Flag Code 174

Mr. Hunsinger,

Thank you for your e-mail. When these poles were installed back in 2004, they were supposed to have lights that would illuminate the flag. I'll ask to Sprint to investigate why the lights are not working and to address. Thanks for calling this to our attention.

Thanks, Keith

From: Rich Hunsinger [<mailto:rhunsi@cox.net>]
Sent: Wednesday, January 29, 2014 12:15 PM
To: Projectinput
Cc: communityrelations@republicmedia.com
Subject: Flag Code 174

Scottsdale City

I understand the use of a flagpole at Paradise View Villas to broadcast mobile signals, but I resent your disrespect to the American Flag.

I am a Vietnam Veteran and when I walk my dog in the evening it saddens me to see the flag being exploited by a company and a city that has prospered from those that have fallen to protect it.

If you have any respect for the American Flag don't use it as a prop remove it or illuminate it at night.

It is customary to fly the flag from buildings or staffs in open areas from "dawn to dusk". The Flag Code ([§ 174](#)) recognizes, however, that some people may wish to create a patriotic effect by displaying the flag from a building or outside staff (pole) 24 hours a day. If such is the case it is proper to fly the flag both day and night, PROVIDED that the flag is properly lit up at night.

Rich Hunsinger
7619 E Indian Bend Rd
Scottsdale, AZ 85250
602 312 8795

Niederer, Keith

From: Nancy Burt <nburt@q.com>
Sent: Tuesday, September 03, 2013 1:34 PM
To: Niederer, Keith
Subject: Paradise View Villa Wireless More Space?

Good Afternoon Mr. Niederer,

I have heard from a neighbor that the FM Group, INC. application for renewal of the permit for the Sprint Wireless Facility at the Paradise View Villas, 7609 E Indian Bend Rd (on the private road leading to Silverado Golf Course), has asked for additional space.

The original permit approved was for 336' as stated in Scottsdale City Council minutes 2004. The postcard that I received in the mail listed 117,144 sq. ft.

Have you had a chance to research this issue? Is it correct? Will another postcard be sent out?

Is there a standard for the number of wireless facilities that can be located within a specified number of feet within a residential development?

Thank-you for your assistance,
Nancy Burt



REQUEST TO SPEAK

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time MAY be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) DOROTHY BERNARD MEETING DATE 2/26/14

NAME OF GROUP/ORGANIZATION (if applicable) _____

ADDRESS 7601 E INDIAN BEND RD #2038 ZIP 85250 ^{SCOTTSDALE}

HOME PHONE 480 609-2871 WORK PHONE _____

E-MAIL ADDRESS (optional) _____

☒ I WISH TO SPEAK ON AGENDA ITEM # 6 ☐ I WISH TO DONATE MY TIME TO _____

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

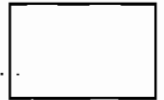
This card constitutes a public record under Arizona law.

32-UP-2003#2
Sprint Mummy



REQUEST TO SPEAK

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.
Public testimony is limited to three (3) minutes per speaker.
Additional time MAY be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.



NAME (print) AMALIA WISSINGER MEETING DATE 2-26-2014
NAME OF GROUP/ORGANIZATION (if applicable) resident Protest Permit
ADDRESS 7609 E Indian Bend Rd #1005 ZIP 85255 32-UP 2003
HOME PHONE 602-743-4582 WORK PHONE 949-929-2812
E-MAIL ADDRESS (optional) Amalia3@cox.net
☒ I WISH TO SPEAK ON AGENDA ITEM # 6 ☐ I WISH TO DONATE MY TIME TO _____
☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.



REQUEST TO SPEAK

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.
Public testimony is limited to three (3) minutes per speaker.
Additional time MAY be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.



NAME (print) NANCY BURT MEETING DATE Feb 26, 2014
NAME OF GROUP/ORGANIZATION (if applicable) SELF
ADDRESS 7609 E Indian Bend Rd Scottsdale ZIP 85255
HOME PHONE 480-634-6135 WORK PHONE _____
E-MAIL ADDRESS (optional) _____
☒ I WISH TO SPEAK ON AGENDA ITEM # 6 ☐ I WISH TO DONATE MY TIME TO _____
☒ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING Spirit Mummy

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.

Sprint Mummy Item #6

Castro, Lorraine

From: amalia3@cox.net
Sent: Tuesday, February 25, 2014 11:30 AM
To: Planning Commission
Subject: 32-UP-2003#2
Attachments: pvv sprint residentLetter feb 2014.pdf

Please add the attached flyer which explains my position to the file. Also, the Staff Report impact analysis indicates that there will be airconditioning added to the base station to cool the equipment. Airconditioned base stations need a 15 foot setback by Scottsdale Ordinance. This base station is about 2 to 5 feet from Corriente's property line. Also, the original August postcard sent out by Timothy Burmer did not contain a minor error. It indicated that the location size was 117,144 square feet instead of 336 square feet. The planning staff report refers only to 1996-1997 FCC regulations and the new 202 page 2013 FCC regulations have been ignored. Work was done and Cherry Picker was at the site yesterday without a permit.

Thank you,
Amalia Wissinger

Castro, Lorraine

Sprint Mummy Item #6

From: amalia3@cox.net
Sent: Tuesday, February 25, 2014 11:30 AM
To: Planning Commission
Subject: 32-UP-2003#2
Attachments: pvv sprint residentLetter feb 2014.pdf

Please add the attached flyer which explains my position to the file. Also, the Staff Report impact analysis indicates that there will be airconditioning added to the base station to cool the equipment. Airconditioned base stations need a 15 foot setback by Scottsdale Ordinance. This base station is about 2 to 5 feet from Corriente's property line. Also, the original August postcard sent out by Timothy Burmer did not contain a minor error. It indicated that the location size was 117,144 square feet instead of 336 square feet. The planning staff report refers only to 1996-1997 FCC regulations and the new 202 page 2013 FCC regulations have been ignored. Work was done and Cherry Picker was at the site yesterday without a permit.

Thank you,
Amalia Wissinger

Sprint Mummy Item #2

Castro, Lorraine

From: Niederer, Keith
Sent: Tuesday, February 25, 2014 3:17 PM
To: Castro, Lorraine
Subject: FW: Use Permit 32-UP-2003 # 2

Lorraine,

Please place this e-mail on the dais for tomorrow's PC meeting, and place a hard copy in the case file.

Thanks, Keith

From: Harry Maron [mailto:h.maron@att.net]
Sent: Tuesday, February 25, 2014 2:54 PM
To: Niederer, Keith
Subject: Use Permit 32-UP-2003 # 2

Mr Niederer,

I am sending this Email to let you know that as a resident affected by the Sprint Tower, I am against the permit being approved.

Harry Maron
7601 E Indian Bend Road # 1021
Scottsdale AZ 85250

Protest Sprint Tower Conditional Use Permit 32-UP-2003 #2

Call: City Planning Keith Niederer 480-312-2953

Email: Mayor Lane, jlane@scottsdaleaz.gov, Vice Mayor Virginia Korte, vkorte@scottsdaleaz.gov, City Council: Susanne Klapp, sklapp@scottsdaleaz.gov, L Milhaven, lmilhaven@scottsdaleaz.gov, Guy Phillips, gphillips@scottsdaleaz.gov, D Robbins, kniederer@scottsdaleaz.gov, City Planning: kniederer@scottsdaleaz.gov, bvershuren@scottsdaleaz.gov, kweiss@scottsdaleaz.gov, rgrant@scottsdaleaz.gov

Attend: City Planning meeting 2/26/14 5 PM City Hall Kiva, 3939 N Drinkwater Boulevard

Sprint is currently reapplying for a permit to continue operation of the Paradise View Villas Sprint Mummy towers at 7609 E. Indian Bend Road. (planning commission original 2003 file 32-UP-2003)

Please contact city council to veto this cell tower permit for the following reasons:

Population Density

The twin flagpole towers are 47 feet from the nearest residence at Paradise View Villas and 55 feet from the nearest Corriente condominium and two feet from the new bike path. The RRU equipment is 15 feet from the nearest PVV residence. There are 523 residences within 750 feet.

Discrimination

Cell towers by Article 7 of City WCF 1,2,3 Code and March 2003 meeting resolution have to be 150 feet from a single family home property line, 3 feet for every foot for WCF4 type. There is no city regulation whatsoever for distance from multi-family residences. Condominiums are real property R5 residences. This regulation is clearly discriminatory. These twin towers are 5 feet from Corriente property line and on Paradise View villas property. They are approximately fifty feet from residence structures at both Corriente and Paradise View Villas.

Failure to Renew Permit, Area Change, and New FCC 2013 Radio Frequency Exposure and Registration Regulations

Sprint failed to renew its permit in the five years mandated by City Council in 2004. They have been operating without a permit since 2009. In the meantime, the Corriente residences were built only 55 feet from the twin flagpole towers, and the new bike path is only a few feet away. In November 2013, the FCC ratified a 202 page law requiring more sites to be registered, specific warning signage and radio frequency standards and inspection, and recognizing radio frequency waves as harmful and carcinogenic. It recognizes World Health Organization findings and international studies pointing to elevated childhood leukemia, dementia, hair loss, hyperactivity, sterility, insomnia etc within one thousand feet of cell tower sites. It also speaks to proof of willingness of exposure and increased danger of multiple antenna, transistor and piggybacked sites. It recognizes that certain groups (children, elderly) are more affected.

Commercial Enterprise on R5 Parcel

These cell towers are a commercial enterprise with thousands of customers a day causing radio frequency fallout on the adjacent communities and recreational area. They should not be approved in a populated residential area. There is no reason for any rule exception.

Inaccuracies and Confusion in Original and Present Applications

Paperwork in the original application file (32-UP-2003) and the first 2013 pre-application and notification post cards contain significant errors. For example, the first notification post card sent out by Timothy Burmer (FM group) for Sprint in 2013 indicated 117,144 square foot location size when the real leased location is only 336 square feet. I called City Planning and this was corrected, but this is a serious red flag since Mr. Burmer told me that they could put as many towers as they wish on a permitted location. This would have permitted cell towers almost anywhere at Paradise View Villas had the error gone unnoticed. The original 2003 application had incomplete parcel number, indicated the zoning was R4/5 when it was R5, and indicated that the towers were to be in the "hotel corridor" when they were on the R5 grounds of Paradise View Villas. The meeting postcard for the February 26th meeting indicated March 5th as meeting date and then the corrected version gave less than a week warning of the meeting. City Planning used FCC 1997 regulations as reference and ignored the 202 page FCC 2013 regulations.

Site Unfeasible for Sprint

Shortly after the original arrangement, in 2006 Sprint indicated that the site was unfeasible for them and demanded through MDL, a lease acquisition firm, a 35% rent reduction. In 2013, this multi-billion dollar firm indicated the site was economically unfeasible for them again and demanded through Clear Blue Services, a lease acquisition firm, to take Alcantel Lucent as a roommate to help them pay their \$571 dollars a month rent. Sprint admits that they do not need this site and can move.

Demand that City Council reject all cell tower permits on or near any condominium or other multi-family complex. The same noxious reasons that require cell towers to be one hundred and fifty feet or three feet for every tower foot from single family property lines exist for all Scottsdale residences.

Amalia Wissinger amalia3@cox.net

Castro, Lorraine

Sprint Mummy Item # 6

From: Niederer, Keith
Sent: Tuesday, February 25, 2014 8:37 AM
To: Castro, Lorraine
Subject: FW: Protest Sprint Tower Conditional Use Permit

For 32-UP-2003#2, going to PC tomorrow evening.

-----Original Message-----

From: Katie Kennedy [<mailto:azkenedy@yahoo.com>]
Sent: Monday, February 24, 2014 7:43 PM
Subject: Protest Sprint Tower Conditional Use Permit

>
> I found out about you trying to approve the permit for Sprint to put up towers that can cause cancer and multiple other issues to citizens of this great city. I grew up in Scottsdale and I'm absolutely disgusted that you and other council members would approve such a thing.
>
> Please REJECT all cell tower permits on or near any condominium or other multifamily complex!!!!!! This will affect me and my family and friends!!!!!! Health and well being is important than money!!!!!!
>
> Sent from my iPad

Castro, Lorraine

Sprint Mummy

Item # 6

From: Niederer, Keith
Sent: Tuesday, February 25, 2014 8:28 AM
To: 'amalia3@cox.net'
Subject: RE: Sprint WCF Flagpoles

Amalia,

The Planning Commission consists of 7 Scottsdale residents appointed by the City Council. The Planning Commission acts as an advisory board to the City Council on land use matters.

Below is a link to the Planning Commission page on the City's web site. There is a blue button the right side of the screen that says Submit Public Comment/Email members. Click on that button and you can send an e-mail that the Planning Commission members can review.

<http://www.scottsdaleaz.gov/boards/PC>

Keith

-----Original Message-----

From: amalia3@cox.net [mailto:amalia3@cox.net]

Sent: Tuesday, February 25, 2014 6:34 AM

To: Niederer, Keith; Weiss, Kit

Cc: Lane, Jim; Korte, Virginia; Phillips, Guy; bvershuren@scottsdaleaz.gov; Grant, Randy; Milhaven, Linda; Robbins, Dennis E

Subject: RE: Sprint WCF Flagpoles

Hi Keith,

Since this is the 11th hour before the meeting the phone call at twelve tomorrow is not a good idea. I pretty much stated my position and I am very disappointed that I did not realize that the Planning Commission is the not same as the staff of the planning department and that I have not kept them in the loop. I asked planning on the phone yesterday for the email addresses of the planning commission members and the lady told me that Frances Cookson would email them to me but she didn't. Perhaps when you and Ms. Weiss and Mr. Sonada meet today you could compose an email to me expressing your concerns. Also, could you please email me the email addresses of the Planning Commission members? I attached my protest flyer.

--- amalia3@cox.net wrote:

> Hi,

> Don't know what there is to talk about. Alcatel Lucent was out there today with a Cherry Picker taking off the pole tops, and the paperwork looks like way more than maintenance-more like piggybacking-new companies-Reliant land services-Novation Group-Fortis-Alcatel Lucent-very extensive plans-Vision MMBts launch-excavating-electrical work-wiring. Most towns would require permits for that level of work. Judging from this, I'm thinking that Scottsdale probably doesn't even know what's at most sites at this point or even where they are. Someone keeps taking down the paper danger keep away sign on this site. Call me at 12 if you think there is anything to discuss. I'll see you at the meeting. I attached my flyer to residents about the meeting and my objective.

> Amalia Wissinger

>

> --- "Niederer wrote:

> > Hi Amalia,

> >

>>> Great. A lady from Corriente indicated she thought the site should be moved along our South property line to be farther from Corriente. We have three feet in back of our wall to place lots and lots of towers adjacent to single family homes. Seems there would be no problem getting that approved. The file indicated over and over the Mummy site being 300 feet from any single family residence and that there were no residences within about 300 feet and even showed a depiction of Paradise View Villas protecting a single family home in the rear. The Scottsdale regulation states explicitly that cell towers need to be 150 feet from a single family residence and doesn't mention condos. Has City Council ever approved a single cell tower antenna within fifty feet of a single family residence structure? Lots are getting smaller and smaller. Imagine closing on a couple million dollar home and finding out your neighbor was putting up or already had a couple of cell towers next to your driveway. Has that really ever happened? If so, where?

>>>

>>> FYI. The FCC proposed changes in Radio Frequency exposure regulations in March 2013 and ratified them in November 2013. It is a 202 page document. I skimmed it and it newly acknowledges worldwide cancer possibility findings and the findings of the World Health Organization that radio frequency has possible carcinogenic effect and that it may cause thermal tissue heating and changes in DNA and that the amount of exposure time is relative to the risk. It also seems to ease up on the prohibition of towns taking this into account in decision making and indicates that that is simply not their jurisdiction and needs to be handled by the Environmental Protection Agency. It requires a wider range of sites that need to be Federally registered and speaks to stricter warning signage and inspection rules. It speaks directly to knowledge and willingness of exposure of persons in proximity to cell tower sites. It indicates that piggybacked sites, upgraded 3g and 4g sites, and multiple antenna and transmitter sites have greater exposure risk.

>>>

>>> FYI The latest cell tower antenna fire was a week or so ago in Bensalem PA. Quite dramatic. No one died but the tower within minutes tetered at total collapse and residences within three hundred feet needed to be evacuated. Shrapnel like projectiles shot quite a distance from the antennas and firemen did not know what to expect. The fire burned a long time because it was an electrical fire and needed specialized equipment to put it out. When the towers fall they fall quickly. They are not tethered as are electric poles and are only as strong as the weakest join and the concrete footing and require strict, specialized construction inspection standards. Fire and structural failure risk increases with the number of antennas inside the poles. Quite a few welders have fallen to their deaths from the towers usually as a result of welding fires or structural defects. The mummy flagpole looks patched up and welded at the top. The City of Scottsdale is assuming alot of liability in only considering the appearance of the site for approval and allowing the sites to operate without a permit or any regular structural inspection or indication of the exact equipment and number of antennas and transmitters at a site. Does the Scottsdale fire department have an emergency plan in place to deal with a fallen tower, or small spark ignited antenna with serial ignitions and possible radiation exposure?

>>>

>>> Thank you,
>>> Amalia wissinger

>>>

>>>

>>> ---- "Niederer wrote:

>>>> Amalia,

>>>>

>>>> WCF's are permitted within 150' of both condominiums and single family lots. The only requirement is if the WCF is located within 150' of a single family lot, it cannot be administratively approved and is required to go through the DRB public hearing process.

>>>>

>>>> A flagpole WCF requires a Conditional Use Permit, which requires a hearing before the Planning Commission and approval by the City Council. These are public hearings.

>>>>

>>>> Staff doesn't put correspondence on the website, just the applicants narrative and plans. Correspondence will be included in the Planning Commission Report, and placed in the case file.

>>>>

>>>> You're welcome to contact Kirk Wheeler at Records to request how to obtain copies of the entire file. Kirk can be reached at 480-312-7000.

>>>>>

>>>>> The glossy postcard that came in the mail was from the City's Planning Department, letting property owners within 750' of the site know that an application has been filed. Frances Cookson is a Planning Assistant with the Planning Department. The City mailed out postcards to 532 property owners. Attached is the postcard that the City mailed out last week. Your name appeared on the mailing list the City used for sending the notices.

>>>>>

>>>>> Clear Blue will not be submitting an application. There are no new wireless communications facilities planned on this property, and no plans that I'm aware of to expand the existing site.

>>>>>

>>>>> While the City has the ability to regulate the aesthetic, building and structural issues related to a cell site, the City is limited by Federal law on how it may address your concerns about the health impact of radio frequency emissions from the cell site. Specifically, the Telecommunications Act of 1996, Title VII, Sec. 704 added paragraph 7 and its subsections to chapter 47 in the United States Code, 47 U.S.C 332(c) to read:

>>>>>

>>>>> 47 U.S.C. § 332(c)(7)(B)(iv) No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

>>>>>

>>>>> Given this, the City cannot deny a wireless site on the basis of radio frequency emissions. All wireless communication facilities must be constructed and operated in compliance with the FCC's radio frequency exposure limits set forth in FCC Bulletin 65, Edition 97-01.

>>>>>

>>>>> Keith

>>>>>

>>>>> -----Original Message-----

>>>>> From: amalia3@cox.net [mailto:amalia3@cox.net]

>>>>> Sent: Thursday, January 30, 2014 7:58 PM

>>>>> To: Niederer, Keith

>>>>> Subject: RE: Sprint WCF Flagpoles

>>>>>

>>>>>

>>>>> --- "Hi Keith,

>>>>> Could you please email me the file complete file for the new permit? I am having trouble opening Scottsdale website and finding the original file took a series of scavenger hunt type trials and trying every associated name and when I finally opened it many archived documents only showed the first page. Every time I looked at the file I noticed a new significant error. The original 32-up-2003 file had documents which indicated incorrect parcel #, listed the location as being on the hotel corridor, contained a title report indicating that Townking was the most recent owner, etc. Also, Tim Burmer presenting in the original application and postcard that the leased area was 358 times the actual size and owned by Homer Sarem is a serious red flag and those documents can reappear and could lead to misinterpretation down the road. Sentry Management's address is incorrect on the current application you sent me. They moved some time ago. I checked Maricopa county tax records online a few months ago and the PVV parcel was not only reduced about 1 acre and matched Burmer's original postcard, but listed it as commercial, belonging to Paradise View Villas Condo Owners Association (not condominium-could be different corporation) owned by Homer Sarem. Really weird-But entirely possible in a "ya snooze ya lose" real estate state. The Maricopa County Assessor indicated to me that their records do not necessarily show accurate ownership. The only real proof of land ownership is a deed filed with Maricopa Records Office. CC&R's are contracts and not deeds. Only a recorded deed, or a title report showing the latest recorded deed proves ownership. Patrick Chen's attorney for the United assets Corporation, Mathew Berman, maintained to me that the only real deed for the parcel is on the individual owner's deed with the words "together with undivided interest in the common area" Only the 64 condominium owners hold title and all have equal shares and deed to the property. Even if some of the deeds do not contain those words, the ownership is understood by Arizona State law. Condominium

>>>>> Amalia Wissinger
>>>>>
>>>>> ---- "Niederer wrote:
>>>>> Hi Amalia,
>>>>>
>>>>> The case number is 32-UP-2003#2.
>>>>>
>>>>> The application was signed by Barbara Renaker. As I mentioned, the City does not get involved with lease questions. City staff checks to see who owns the property and make sure we have authorization from the owner (a letter of authorization of signature by a representative of the owner on the application).
>>>>>
>>>>> I'm working on having the application scanned to the City website. You are welcome to come down to Records and view the file or wait for it to be on-line.
>>>>>
>>>>> The City mailed out postcards to 532 property owners on 1/10/2014. Attached is the postcard that the City mailed out. Your name did appears on the mailing label list the City used for mailing addresses.
>>>>>
>>>>> The applicant also mailed out notices to property owners within 750' at least 15 days prior to making their submittal. I've asked Mr. Burmer for this exact date. Also attached is what he mailed out.
>>>>>
>>>>> The Planning Commission hearing is scheduled for
>>>>> February 26 at 5PM in City Hall (3939 N. Drinkwater
>>>>> Blvd.)
>>>>>
>>>>> Previous postcards will not be included in the file, as the applicant corrected any errors with the initial mailing from earlier last year.
>>>>>
>>>>> Clear Blue will not be submitting an application.
>>>>>
>>>>> Keith
>>>>>
>>>>> -----Original Message-----
>>>>> From: amalia3@cox.net [mailto:amalia3@cox.net]
>>>>> Sent: Tuesday, January 21, 2014 3:37 PM
>>>>> To: Niederer, Keith
>>>>> Subject: RE: Sprint WCF Flagpoles
>>>>>
>>>>> Hi Keith,
>>>>>
>>>>> Thank you. May I please have a copy of both the postcard and the application and related documents submitted by Mr. Burmer. What is the file case number? When will the meeting be held? Will previous postcards and materials be included in the file? Has Clearblue submitted an application yet?
>>>>>
>>>>> Thank you,
>>>>> Amalia Wissinger
>>>>>
>>>>> ---- "Niederer wrote:
>>>>> Hi Amalia,
>>>>>
>>>>> Tim Burmer submitted the Conditional Use Permit application today for the Sprint WCF.
>>>>>
>>>>> City staff will be mailing out postcards to let property owners know an application has been submitted.



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, FEBRUARY 26, 2014

SUMMARIZED MEETING MINUTES

PRESENT:

Michael D'Andrea, Chairman
Ed Grant, Vice-Chair
Jay Petkunas, Commissioner
Michael Edwards, Commissioner
Erik Filsinger, Commissioner
Matt Cody, Commissioner
David Brantner, Commissioner

STAFF:

Tim Curtis	Doris McClay
Sherry Scott	Kira Wauwie
Keith Niederer	Mary Vandevord
Erin Perreault	

CALL TO ORDER

Chair D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:02 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of February 12, 2014 Regular Meeting Minutes including Study Session.

COMMISSIONER BRANTNER MOVED TO APPROVE THE FEBRUARY 12, 2014 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION. SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EPEDITED AGENDA

2. 116-PA-2014 (Service Residential Text Amendment)
3. 110-PA-2014 (Special Campus)
4. 2014 Planning Commission Calendar
5. 6-AB-2013 (Atalon)

ITEM #'S; 2, 3, 4 & 5; MOVE TO INITIATE CASE 116-PA-2014, 110-PA-2014 AND APPROVE THE 2014 PLANNING COMMISSION CALENDAR. RECOMMENDED CITY COUNCIL APPROVE CASE 6-AB-2013, BY A VOTE OF 7-0; MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS, SECONDED BY VICE CHAIR GRANT.

REGULAR AGENDA

6. 32-UP-2003#2 (Sprint Mummy (PH25XC142))

ITEM #6; RECOMMENDED CITY COUNCIL APPROVE CASE 32-UP-2003#2, BY A VOTE OF 6-1; MOTION BY COMMISSIONER FILSINGER, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, SECONDED BY VICE CHAIR GRANT WITH COMMISSIONER PETKUNAS DISSENTING.

Amalia Wissinger, Nancy Burt and Dorothy Bernard spoke regarding this item.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:15 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

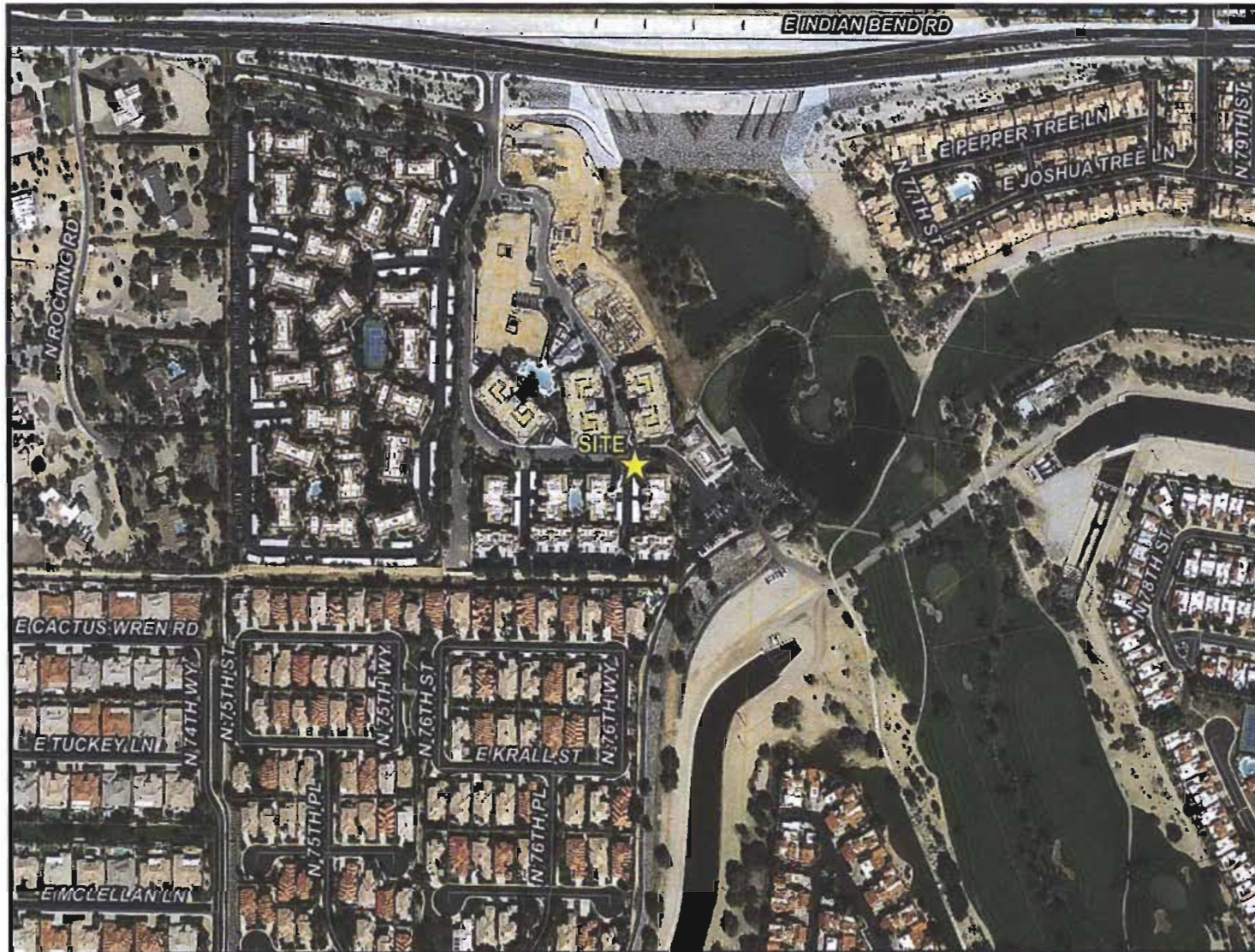
Sprint Mummy PH25XC142

32-UP-2003#2

Coordinator: Keith Niederer

Date: April 8, 2014

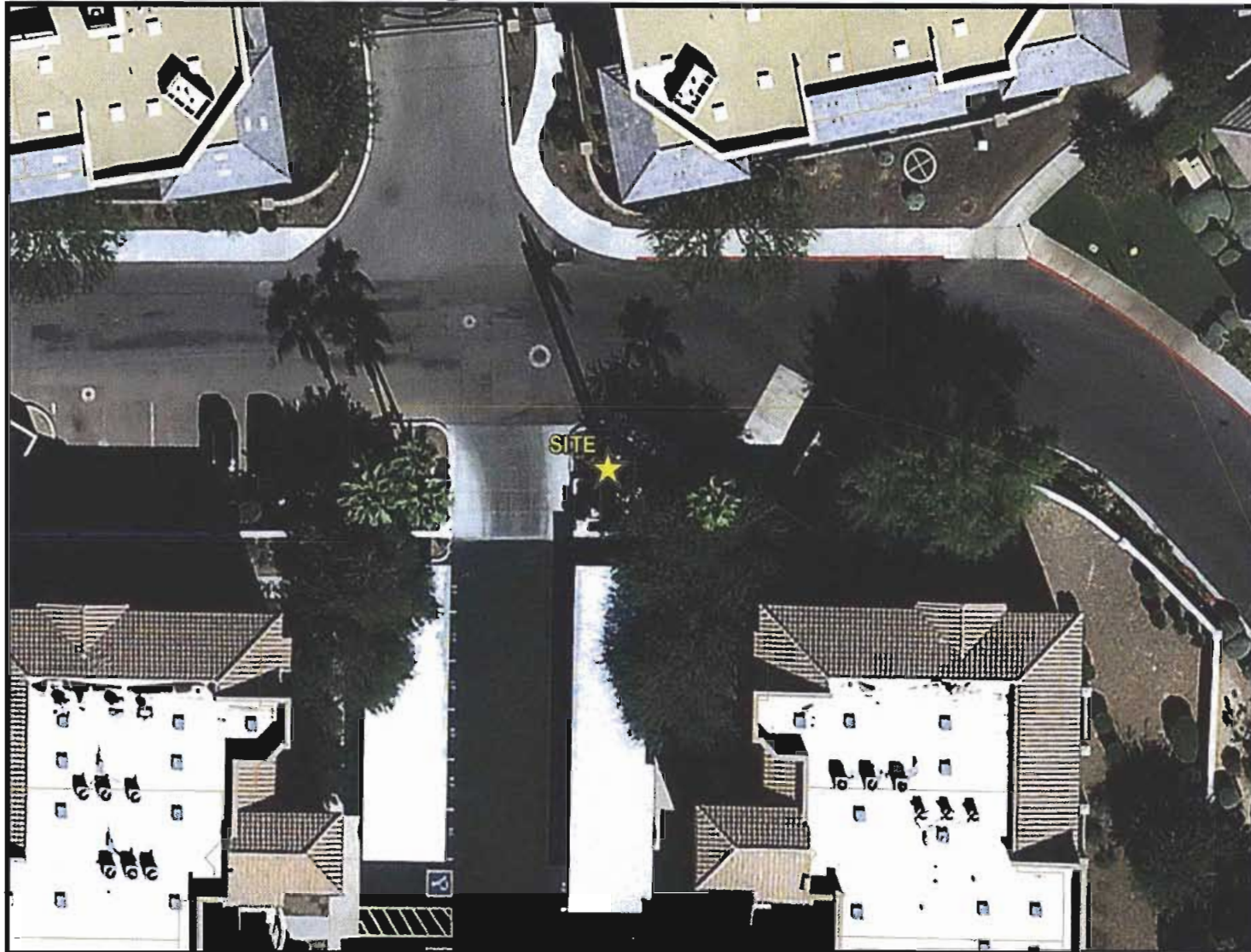
Sprint Mummy PH25XC142



CONTEXT AERIAL

32-UP-2003#2

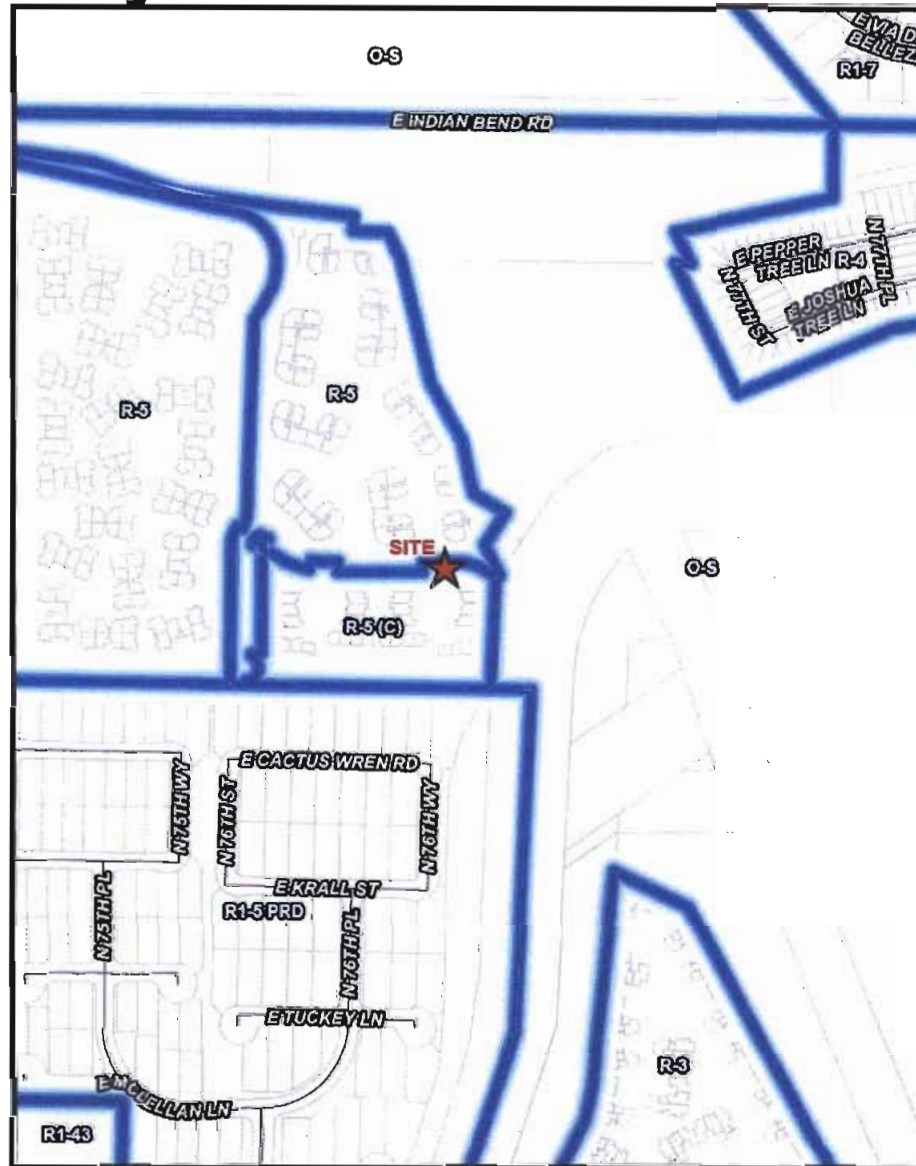
Sprint Mummy PH25XC142



CLOSE AERIAL

32-UP-2003#2

Sprint Mummy PH25XC142



ZONING

32-UP-2003#2

Sprint Mummy PH25XC142



PHOTOGRAPH

32-UP-2003#2

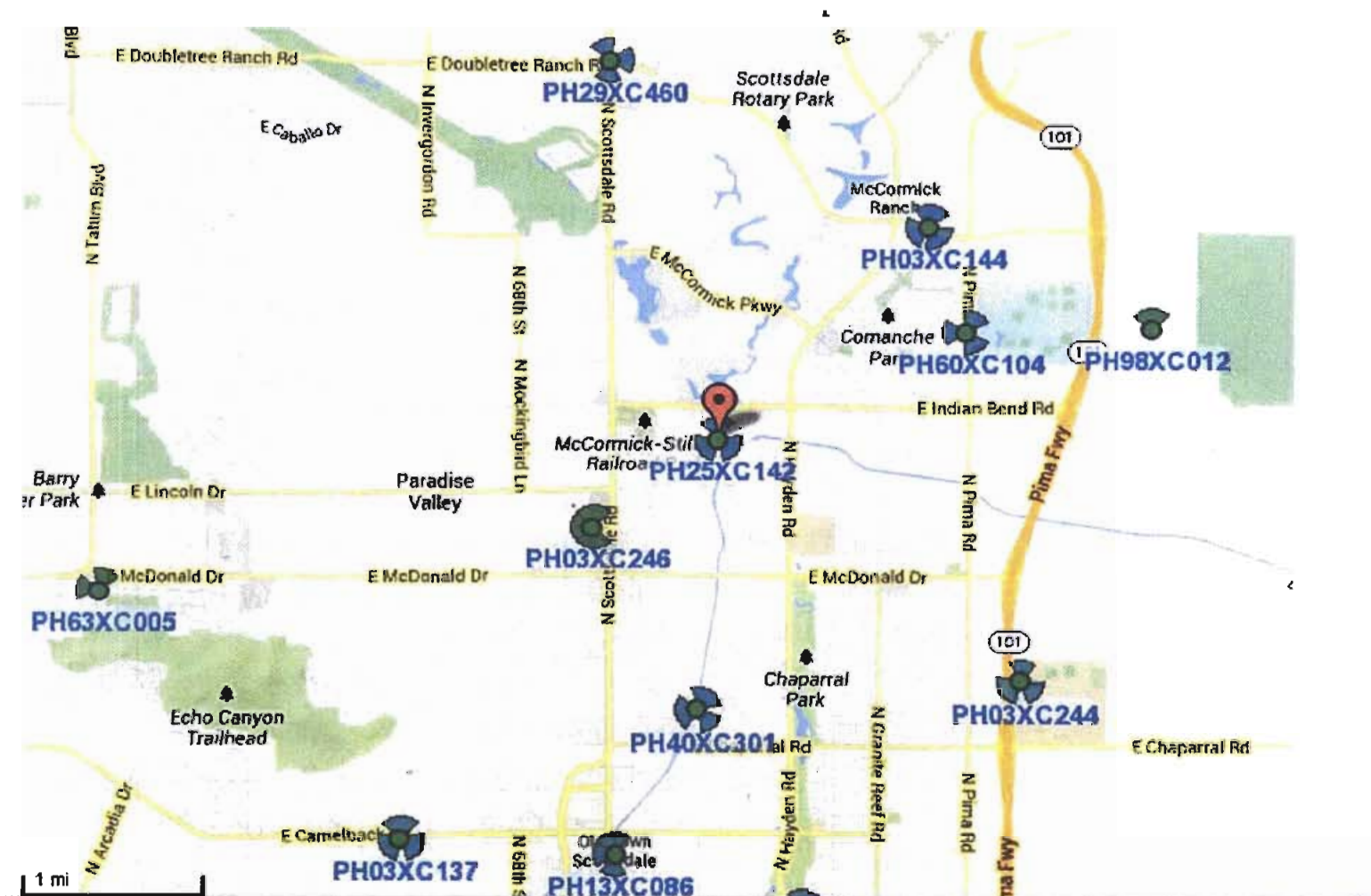
Sprint Mummy PH25XC142

1997: Sprint receives approval to install a wireless communication facility on the roof of the Holiday Inn Sunspree Resort.

Feb. 17, 2004: City council approves a Conditional Use Permit (32-UP-2003) for a flagpole WCF in the subject location. This flagpole WCF would replace the Holiday Inn site, as the Holiday Inn was to be demolished.

November 2004: Sprint obtains building permits to construct the flagpole WCF.

Sprint Mummy PH25XC142



SPRINT WCF'S

32-UP-2003#2

Item 21

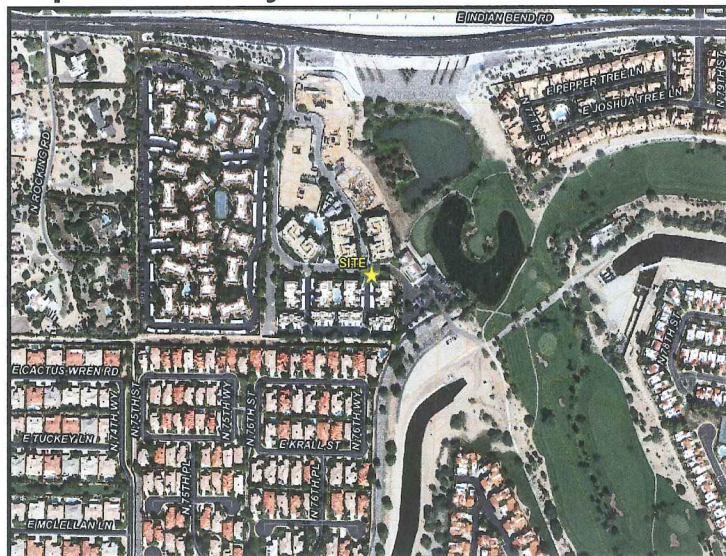
Sprint Mummy PH25XC142

32-UP-2003#2

Coordinator: Keith Niederer

Date: April 8, 2014

Sprint Mummy PH25XC142



CONTEXT AERIAL

32-UP-2003#2

An aerial photograph of a residential neighborhood. A yellow star with the word "SITE" in yellow capital letters is placed on a road, indicating a specific location. The surrounding area includes several houses with tiled roofs, palm trees, and other vegetation. A road intersection is visible, with a paved area and a curb. The overall scene is captured from a high angle, providing a clear view of the layout and features of the area.

32-UP-2003#2

[illegible]

32-UP-2003#2

Sprint Mummy PH25XC142



PHOTOGRAPH

32-UP-2003#2

Sprint Mummy PH25XC142

1997: Sprint receives approval to install a wireless communication facility on the roof of the Holiday Inn Sunspree Resort.

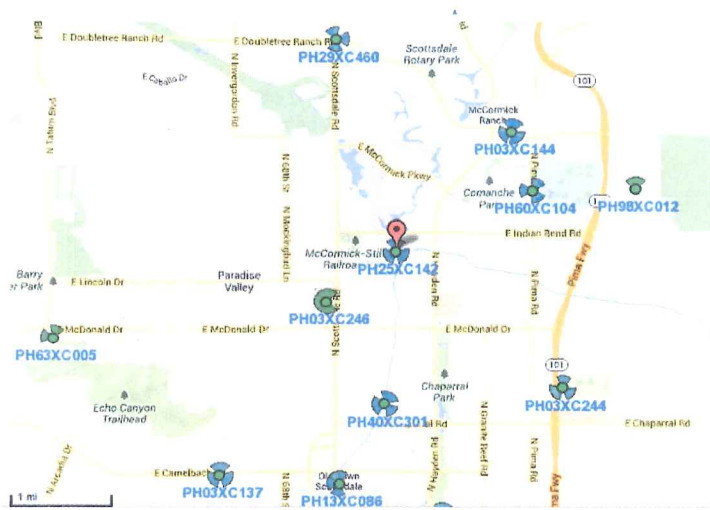
Feb. 17, 2004: City council approves a Conditional Use Permit (32-UP-2003) for a flagpole WCF in the subject location. This flagpole WCF would replace the Holiday Inn site, as the Holiday Inn was to be demolished.

November 2004: Sprint obtains building permits to construct the flagpole WCF.

HISTORY

32-UP-2003#2

Sprint Mummy PH25XC142



SPRINT WCF'S

32-UP-2003#2